

**NRRDA- P017(23)/12/2021-Dir (P-I)**  
Government of India  
**Ministry of Rural Development**  
**National Rural Infrastructure Development Agency**

#5<sup>th</sup> Floor, NBCC Tower,  
Bhikaji Cama Place, New Delhi-110066

Dated: 14<sup>th</sup> June, 2021

**OFFICE MEMORANDUM**

**Subject :- Request for inclusion of fly ash bricks in Government contracts/ Tenders-regarding**

This has reference to the letter from the Cabinet Secretariat vide no.731/1/1/2021-Cab.III dated 04.02.2021 received along with a copy of an email of M/s Hindalco industries Ltd. Dated 02.02.2021 regarding inclusion of fly ash bricks in government contracts/ tenders. (Copies enclosed for ready reference)

2. It has been informed that M/s Hindalco Industries has established fly ash based brick manufacturing units with a cumulative capacity of 18500 bricks/ day in Uttar Pradesh and Odisha. It has also informed that another unit with a capacity of 30,000 bricks/ day is being installed in Madhya Pradesh.

3. In this regard, it is to inform that the Fly Ash Notification, 1999 (as amended in 2003, 2009 and 2016) have a number of enabling provisions for mandatory use of ash based bricks/ blocks/ tiles by the government, public and private agencies in their construction projects. The relevant provisions are as below:

**Para 1 (1A):-** Every construction agency engaged in the construction of buildings within a radius of 300 kilometres from a coal or lignite based thermal power plant shall use fly ash based products for construction. (2016)

**Para 1 (1B):-** The provisions of sub-paragraph (1A) shall be applicable to all construction agencies of Central or State or Local Government and private or public sector. (2009)

**Para 2(13):-** To ensure that the contractor of road construction utilizes the fly ash in the road, the Authority concerned for road construction shall link the payment of contractor with the certification of fly ash supply from the thermal power plants. (2016)

**Para 2(14):-** The coal or lignite based thermal power plants shall within a radius of three hundred kilometres bear the entire cost of transportation of fly ash to the site of road construction projects under Pradhan Mantri Gramin Sadak Yojana and asset creation programmes of the Government involving construction of buildings, road, dams and embankments (2016)

**Para 3(2A):-** Building construction agencies both in public and private shall prescribe the use of fly ash and fly ash-based products in their respective tender documents, schedules and specifications and construction applications (2009)

**Part 3(2B):-** All agencies undertaking construction of roads or fly over bridges and reclamation and compaction of low lying areas, including Department of Road Transport and Highways (DoRTH), National Highways Authority of India (NHAI), Central Public Works Department (CPWD), State Public Works Department (SPWD) and other State Government Agencies shall make provisions for the use of fly ash and fly ash based products in their tender documents, schedule of approved materials and rates as well as technical documents for implementation of the notification (2009)

**Para 3(8):-** It shall be the responsibility of all State Authorities approving various construction projects to ensure that Memorandum of Understanding or any other arrangement for using fly ash or fly ash based products is made between the thermal power plants and the construction agency or contractors. (2016)

**Para 3(9):-** The State Authorities shall amend Building Bye Laws of the cities having population One million or more so as to ensure the mandatory use of fly ash based bricks keeping in view the specifications necessary as per technical requirements for load bearing structures. (2016)

**Para 3(10):-** The concerned Authority shall ensure mandatory use of fly ash based bricks or products in all Government Scheme or programmes e.g. Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (MNREGA), SWACHH BHARAT ABIYAN, Urban and Rural Housing Scheme, where built up area is more than 1000 square feet and in infrastructure construction including buildings in designated industrial Estates or Parks or Special Economic Zone. (2016)

4. In view of above, it may be noted that there are several enabling provisions for encouraging use of fly ash bricks. The use of fly ash bricks not only brings in economy in construction, being environment friendly contributes towards sustainable construction practices. You are requested to please apprise all stakeholders and increase use of fly ash bricks in all constructions.

This is issued with the approval of competent authority.

**Encl: As above**



**(Pradeep Agrawal), IDSE  
Director (Projects-I)**

**Tel : No. 011-26179556**

**Email: [pradeep.agrawal65@gov.in](mailto:pradeep.agrawal65@gov.in)**

**To,**

1. The Additional Chief Secretaries/Principal Secretaries/Secretaries of Nodal Department implementing PMGSY in the States/UTs.
2. The Chief Executive Officers/Engineers-in-Chief/Chief Engineers in all the States/UTs.

**Copy for information to:**

1. All Directors of NRIDA, New Delhi.
2. PPS to JS (RC), MoRD and DG, NRIDA, New Delhi.

**F.No.09/3/2021-HSMD**

Government of India  
Ministry of Environment, Forest & Climate Change  
(HSM Division)

Jal Block, Level-VI  
Indira Paryavaran Bhawan  
Jor Bagh Road,  
New Delhi-110 003  
Dated: 28 May, 2021

**Office Memorandum**

**Subject: Request for inclusion of Fly Ash Bricks in Government Contracts/ Tenders-regarding.**

This has reference to the letter from the Cabinet Secretariat vide No.731/1/1/2021-Cab.III dated 04.02.2021 received from the along with a copy of an email of M/s Hindalco Industries Ltd., dated 02.02.2021 regarding inclusion of fly ash bricks in government contracts/ tenders.

2. It has been informed that M/s Hindalco Industries Ltd. has established fly ash based brick manufacturing units with cumulative capacity of 15,500 bricks/day at various locations. It has also been informed that another unit of with capacity of 30,000 bricks/day is under installation.

3. In this regard, it is to inform that the Fly Ash Notification, 1999 (as amended in 2003, 2009 & 2016) have a number of enabling provisions for mandatory use of ash based bricks/blocks/tiles by the government, public and private agencies in their construction projects. The relevant provisions are as below:

- a. Para 1(1A): mandates all construction agencies engaged in building construction within 300 km radius of Thermal Power Plant use of fly ash based bricks/blocks/tiles.
- b. Para 1(1B) extends the applicability of the above mentioned mandate to all construction agencies of Central and State or Local Government, and private or public sector. Para 3(2) mandates CPWD, PWD of the State Government, Development Authorities, Housing Boards, NHAI including private sector to prescribe use of ash based products in tender documents.
- c. Para 3(2A) mandates all Building construction agencies both in public and private to prescribe use of ash based products in tender documents, including schedule of specifications, and construction applications, appropriate standards and codes of practice, etc.
- d. Para 3(3) enables all the local authorities to specify the use of ash based products in building bye laws. Para 3(8) delegates responsibility of State authorities to ensure MoU/similar arrangement for use of ash based products is made between TPP and construction agency/contractor, while approving construction projects.
- e. Para 3(9) mandates State authorities to amend building bye laws of cities having population of 1 million or more to ensure mandatory use of ash based

bricks. Para 3(10) mandates concerned authorities to ensure the use of ash based bricks in all Govt. Schemes/programmes, e.g. Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (MNREGA), SWACHH BHARAT ABHIYAN, Urban and Rural Housing Scheme, where built up area is more than 1000 square feet and in infrastructure construction including buildings in designated industrial Estates or Parks or Special Economic Zone.

4. It is kindly requested to consider the representation as per extant rules/regulations in this regard.

This issues with the approval of the Competent Authority.

Yours faithfully,



(Satyendra Kumar)

Director

Tele: 24611719

**Copy to:**

1. Secretary , Ministry of Housing and Urban Affairs
2. Secretary, Ministry of Road Transport and Highways
3. Secretary, Ministry of Rural Development
4. Shri Niranjan Chandrasekhar Cheriyanane, Deputy Secretary, Cabinet Secretariat, Rashtrapati Bhawan, New Delhi [Cab. Sectt. Id No.731/1/1/2021-Cab.III] date: 4.02.2021.




397067/2021/SECY OFFICE-MOEFCC

GOVERNMENT OF INDIA / भारत सरकार  
 CABINET SECRETARIAT / मंत्रिमंडल सचिवालय  
 RASHTRAPATI BHAVAN / राष्ट्रपति भवन  
 \*\*\*\*\*

**Subject: Request for inclusion of Fly Ash Bricks in Government Contracts/  
 Tenders – regarding.**

Please find enclosed a copy of email dated 02.02.2021 received M/s Hindalco Industries Ltd., on the above mentioned subject, for action as appropriate.

RO  
 5.2  
 JS [NPA]

  
 (Niranjana Chandrashekhara Cheryamane)  
 Deputy Secretary  
 Ph. 23015861

M/o Housing & Urban Affairs [Shri Durga Shanker Mishra, Secretary]  
M/o Environment, Forests & Climate Change [Shri R.P. Gupta, Secretary]  
 Cab. Sectt. ID No. 731/1/1/2021-Cab.III dated 04<sup>th</sup> February, 2021

Rajiv Gauba

**Request for your kind support and advice to the Ministries/Departments concerned for inclusion of Fly Ash Brick in their Government Contracts/Tenders for procurement.**

**From :** vinod verma <vinod.verma@adityabirla.com>

Tue, Feb 02, 2021 01:45 PM

**Subject :** Request for your kind support and advice to the Ministries/Departments concerned for inclusion of Fly Ash Brick in their Government Contracts/Tenders for procurement.

3 attachments

**To :** Rajiv Gauba <cabinetsy@nic.in>

**The Cabinet Secretary**  
**Cabinet Secretariat**  
Rashtrapati Bhawan, New Delhi

Respected Sir,

**Sub: Request for your kind support and advice to the Ministries/Departments concerned for inclusion of Fly Ash Brick in their Government Contracts/Tenders for procurement.**

At the outset, we would like to inform you that Hindalco Industries Ltd. has been ranked as the **Aluminium Industry Leader for its sustainability performance in the 2020 edition of the S&P Dow Jones Sustainability Indices (DJSI) Corporate Sustainability Assessment (CSA) rankings.**

**Aluminium Industry plays a vital role in nation's economy, and is a sector of strategic importance to the country** due to its importance in energy security, infrastructure, national defence, aerospace, automobile, rural electrification, electricity transmission & distribution, packaging, consumer products, building and construction materials etc.

It is a continuous process-based Power Intensive Industry. For providing continuous power to our Aluminium Refineries and Smelters, we have set up 3095 MW Coal based Captive Power Plants in our plant premises which generate approx. 4.8 Million Tons of Fly Ash every year.

Government always supports the Industries to ensure the clean air and mitigating the adverse impact on environment. With this intention, the Hon'ble Prime Minister's Office (PMO) called a meeting in 2018 and asked for multiplying the fly ash usage "by 10 times" in a time-bound manner in the country. The Secretaries of Environment, Rural Development, Housing and Urban Affairs, and Road Transport and Highways met to prepare a plan with then P-rincipal Secretary to the Hon'ble Prime Minister. As per a note of the Building Materials and Technology Promotion Council, it is proposed to make use of fly ash bricks mandatory for all construction agencies of the Centre such as CPWD, DDA, NBCC, DMRC, CGE'WHO and HPL, etc. Agencies such as the CPWD, NHAI and state PWDs may also be mandated to use fly ash in all highways, roads and flyover projects while fly ash-based projects could also be made mandatory for use in government schemes such as the PM Awas Yojana, AMRUT and Smart Cities Mission. All tenders of central, state and local government are required to have provisions for fly ash bricks/blocks and other fly ash-based products.

Handwritten notes and signatures: 02-02-21, AECRA, 02nd February, 2021, may be shared with M/o HQA and M/o GEF, 3/2, 02/02/21, 02/02/21, 02/02/21, HSB, A. K. Singh

02<sup>nd</sup> February, 2021

**The Cabinet Secretary**  
**Cabinet Secretariat**  
Rashtrapati Bhawan, New Delhi

**Respected Sir,**

**Sub: Request for your kind support and advice to the Ministries/Departments concerned for inclusion of Fly Ash Brick in their Government Contracts/Tenders for procurement.**

At the outset, we would like to inform you that Hindalco Industries Ltd. has been ranked as the **Aluminium Industry Leader for its sustainability performance in the 2020 edition** of the **S&P Dow Jones Sustainability Indices (DJSI) Corporate Sustainability Assessment (CSA)** rankings.

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At Hindalco Industries Limited, we are working in a similar manner to increase utilization of Ash in cement industry, paver blocks, road constructions etc. **In order to explore more ways for Ash utilization, we have built in-house bricks manufacturing capabilities which can be used to produce fly ash bricks. We presently have the capability to manufacture ash bricks at following locations:**

Hindalco Industries Ltd.  
8th Floor, Parsvnath Capital Tower, Bhai Vir Singh Marg, New Delhi - 110 001, India  
T: +91 11 23464500, 66374500 | F: +91 11 2346 4591



Plant Location	Brick Manufacturing Capacity	Bottom/ Pond Ash Availability	CPP Capacity	Coal consumed per annum	Total Ash generated per annum
Hindalco Renuasagar Dist., Sonbhadra, UP	2000 Bricks/day	60000 to 70000 MT/month	828 MW (10 TGs)	4.6 million MT	1.2 million MT
Hindalco Hirakud - PP Dist. Sambalpur Odisha	8000 Bricks/day	15000 to 20000 MT/month	467.5 MW (1*67.5 MW + 4*100 MW)	2.3 million MT	0.9 million MT
Aditya Aluminium Dist. Sambalpur Odisha	8500 Bricks/day	Availability of around 10 Lakh MT ash at site.	900 MW (6*150 MW)	4 million MT	1.5 million MT

A detailed note is attached herewith for your ready reference and information.

We wish to introduce fly ash bricks and bottom ash for Government contracts related to road construction etc., on actual cost basis, as they would help us reduce the impact to the environment and promote sustainability. This will also promote the use of fly ash bricks into the construction sector. We are enthusiastic about the opportunities before us and want to try these avenues. *We pledge to ensure the safety of the surrounding environment and inhabitants of the same as our utmost priority.*

**Our submission:**

*Sir, we, therefore, request your kind intervention and support for inclusion of Fly Ash Bricks in Government Contracts/Tenders and advise all the concerned Ministries/Departments to support us by initiating the formalities to be completed so that we can start to supply the Fly Ash Bricks.*

Thanking you in anticipation.

Yours sincerely,  
For Hindalco Industries Ltd.

**Dr. Vinod K Verma**  
Vice President & Head - Regulatory Affairs (HIL)  
Contact: +91 9990000260/+91 9990000404  
Email: vinod.verma@adityabirla.com



### Ash and its utilisation for Road Construction

Since 1920, coal is being used as a basic fuel for power generation and billions of tons of fly ash and other by-products have been created till now and the improper disposal of these by-products has had a considerable negative influence on the environment. Fly ash, if not managed properly pollutes water, air and soil, however the recent advancements in engineering have made it a useful resource in many areas especially in construction industry.

India is the third-largest generator of coal-based power after China and the United States. The Indian coal is low grade and has high ash content (30-45%) as compared to imported coals (10-15%), so large quantities of fly ash are generated, 217.04 Million tons in 2018-19. The generated fly ash requires large areas for disposal as well as remains a source of environmental pollution. In India an area of 65000 acres of land is being occupied by ash ponds and its generation is expected to cross 225 million tones by the year 2020. FA disposal in an unscientific way affects the local ecosystems due to the heavy metal pollution through erosion and leachate generation. Apart from occupying large areas, fly ash, if not managed well, by virtue of its weightlessness can become airborne. Dumped FA contaminates surface and groundwater, soils and vegetation by mobilization of its hazardous metals.

In order to reduce the impact of fly ash on the environment and to lower the requirement of land for its disposal, various notifications have been issued by Ministry of Environment and Forest to achieve 100% utilization of fly ash. Coal fly ash can be used in the construction industry, structural fill and pavement utilization, soil reclamation, soil ameliorant, an additive in anaerobic digestion and composting, zeolite synthesis, metal recovery, low-cost adsorbent for various gaseous and aqueous applications.

The Prime Minister's Office (PMO), in a meeting in 2018, has asked for multiplying the fly ash usage "by 10 times" in a time-bound manner in the country to ensure clean air and mitigating the adverse impact on environment. The secretaries of environment, rural development, housing and urban affairs, and road transport and highways met to prepare a plan with Nripendra Misra, principal secretary to the Prime Minister. As per a note of the Building Materials and Technology Promotion Council, it is proposed to make use of fly ash bricks mandatory for all construction agencies of the Centre such as CPWD, DDA, NCBC, DMRC, CGEWHO and HPL, etc. Agencies such as the CPWD, NHAI and state PWDs may also be mandated to use fly ash in all highways, roads and flyover projects while fly ash-based projects could also be made mandatory for use in government schemes such as the PM Awas Yojana, AMRUT and Smart Cities Mission. All tenders of central, state and local government shall have provisions for fly ash bricks/blocks and other fly ash-based products only was proposed.

At Hindalco Industries Limited, we are working in a similar manner to increase utilisation of Ash in cement industry, paver blocks, road constructions etc. In order to explore more ways for Ash utilisation, we have built inhouse bricks manufacturing capabilities which can be used to produce fly ash bricks. We presently have the capability to manufacture ash bricks at following locations.

Plant Location	Address	Brick Manufacturing Capacity	Bottom/ Pond Ash Availability	CPP Capacity	Coal consumed per annum	Total Ash generated per annum
Mahan Aluminium	NH-75-E, Singrauli, Sidhi Road, P.O., Bargawan, Pin-486886, Dist: Singaruli, M.P	New plant of 30000 bricks/day is being erected at Mahan. Expected Start - Jan 2021	Storage of around 12 lacs tonnes bottom ash at site.	900 MW (6*150 MW)	3.8 million tonne	1.2 million tonne
Renusagar	P. O. Renusagar, Dist. Sonbhadra - 231218, Uttar Pradesh.	2000 bricks/Month	60000 to 70000 tonnes/month	828 MW (10 TG)	4.6 million tonne	1.2 million tonne
Hirakud - PP	Post Box No.12, Hirakud 768 016, Dist: Sambalpur, Odisha	8000 Bricks/Day	15000 to 20000 tonnes/month	467.5 MW (1*67.5 MW + 4*100 MW)	2.3 million tonne	0.9 million tonne
Aditya Aluminium	Lapanga, Dist Sambalpur - 768212, Odisha	8500 bricks/day	Storage of around 10 lacs tonnes ash at site.	900 MW (6*150 MW)	4 million tonne	1.5 million tonne

We wish to introduce fly ash bricks and bottom ash for Government contracts related to road construction etc. as they would help us reduce the impact to the environment and promote sustainability. This will also promote the use of fly ash bricks into the construction sector. We are enthusiastic about the opportunities before us and want to try these avenues.

*We pledge to ensure the safety of the surrounding environment and inhabitants of the same as our utmost priority.*



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

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**पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय****अधिसूचना**

नई दिल्ली, 25 जनवरी, 2016

**का.आ. 254(अ).**—भारत सरकार, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय की अधिसूचना सं. का.आ. 763(अ), तारीख 14 सितंबर, 1999 (जिसे इसमें इसके पश्चात् उक्त अधिसूचना कहा गया है) में कतिपय संशोधनों का प्रारूप, जिन्हें केन्द्रीय सरकार पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उप-नियम (3) के खंड (घ) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 ( 1986 का 29) की धारा 3 की उप-धारा (1) और उप-धारा (2) के खंड (v) के अंतर्गत करने का प्रस्ताव करती है, भारत के राजपत्र, असाधारण, भाग II, खंड 3, उप-खंड (ii) में अधिसूचना सं. का.आ. 1396(अ), तारीख 25 मई, 2015 द्वारा प्रकाशित किया गया था, जिसके द्वारा ऐसे सभी व्यक्तियों से, जिनके उनसे प्रभावित होने की संभावना थी, उस तारीख से, जिसको उक्त प्रारूप संशोधनों को अंतर्विष्ट करने वाली राजपत्र की प्रतियां जनता को उपलब्ध करा दी जाती हैं, साठ दिनों के अवसान से पूर्व आक्षेप और सुझाव आमंत्रित किए गए थे;

और उक्त राजपत्र की प्रतियां 25 मई, 2015 को जनता को उपलब्ध करा दी गई थी;

और उक्त प्रारूप अधिसूचना के संबंध में, ऐसे सभी व्यक्तियों से, जिनके उनसे प्रभावित होने की संभावना थी, प्राप्त सभी आक्षेपों और सुझावों पर केन्द्रीय सरकार द्वारा सम्यक् रूप से विचार कर लिया गया है;

अतः, अब, केन्द्रीय सरकार पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उप-नियम (3) के खंड (घ) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उप-धारा (1) और उप-धारा (2) के खंड (v) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उक्त अधिसूचना में निम्नलिखित संशोधन करती है, अर्थात् :-

1. उक्त अधिसूचना के पैरा 1 में-

- (क) उप पैरा 1(क) में "सौ किलोमीटर" शब्दों के स्थान पर "तीन सौ किलोमीटर" शब्द रखें जाएंगे;
- (ख) उप पैरा 3 में "100 कि.मी." अंकों और शब्दों के स्थान पर "तीन सौ किलोमीटर" शब्द रखें जाएंगे;
- (ग) उप पैरा 5 में "सौ किलोमीटर" शब्दों के स्थान पर "तीन सौ किलोमीटर" शब्द रखें जाएंगे;
- (घ) उप पैरा 7 में "सौ किलोमीटर" शब्दों के स्थान पर "तीन सौ किलोमीटर" शब्द रखें जाएंगे;

## 2. उक्त अधिसूचना के पैरा 2 में:-

### (क) उप पैरा (1) के पश्चात् निम्नलिखित परंतुक अंतःस्थापित किया जाएगा, अर्थात्:-

“परंतु यह और कि शुष्क ईएसपी फ्लाई ऐश के 20 प्रतिशत का निःशुल्क प्रदाय करने का निर्बंधन उन तापीय विद्युत संयंत्रों पर लागू नहीं होगा, जो विहित रीति में सौ प्रतिशत फ्लाई ऐश का उपयोग करने में समर्थ हैं।”

### (ख) उप पैरा (7) के पश्चात् निम्नलिखित उप पैरा अंतःस्थापित किए जाएंगे, अर्थात् :-

- “(8) प्रत्येक कोयला या लिग्नाइट आधारित तापीय विद्युत संयंत्र (जिसके अंतर्गत कैपिटिव और/या सह उत्पादन केन्द्र भी हैं), अधिसूचना की तारीख से तीन मास के भीतर उनके पास उपलब्ध प्रत्येक किस्म की ऐश के स्टॉक के ब्यौरे अपनी वेबसाइट पर अपलोड करेगा और उसके पश्चात् मास में कम से कम एक बार स्टॉक की स्थिति को अद्यतन करेगा।
- (9) प्रत्येक कोयला या लिग्नाइट आधारित तापीय विद्युत संयंत्र समर्पित शुष्क ऐश साइलस प्रतिष्ठापित करेगा, जिनके पास पृथक् पहुंच मार्ग होंगे, जिससे कि फ्लाई ऐश के परिदान को सुगम बनाया जा सके।
- (10) कोयला या लिग्नाइट आधारित तापीय विद्युत संयंत्र से 100 किलोमीटर की परिधि के भीतर सड़क संनिर्माण परियोजनाओं या ऐश आधारित उत्पादों के संनिर्माण के लिए या कृषि संबंधित क्रियाकलापों में मृदा अनुकूलक के रूप में उपयोग के लिए ऐश के परिवहन की लागत ऐसे कोयला या लिग्नाइट आधारित तापीय विद्युत संयंत्र द्वारा वहन की जाएगी और 100 किलोमीटर की परिधि से परे और 300 किलोमीटर की परिधि के भीतर ऐसे परिवहन की लागत को उपयोक्ता और कोयला या लिग्नाइट आधारित तापीय विद्युत संयंत्र के बीच समान रूप से अंश भाजित की जाएगी।
- (11) कोयला या लिग्नाइट आधारित तापीय विद्युत संयंत्र अपने परिसरों के भीतर या अपने परिसरों के आस-पास ऐश आधारित उत्पाद संनिर्माण सुविधाओं का संवर्धन करेंगे, उन्हें अपनाएंगे और उनकी स्थापना करेंगे (वित्तीय और अन्य सहबद्ध अवसंरचना)।
- (12) नगरों के आस-पास बने कोयला या लिग्नाइट आधारित तापीय विद्युत संयंत्र ऐश आधारित उत्पाद विनिर्माण इकाइयों का संवर्धन करेंगे और उनकी स्थापना का समर्थन और उसमें सहायता करेंगे ताकि ईंटों और अन्य भवन संनिर्माण सामग्रियों की अपेक्षाओं की पूर्ति की जा सके और साथ ही परिवहन में कमी की जा सके।
- (13) यह सुनिश्चित करने के लिए कि किसी सड़क संनिर्माण का संविदाकार सड़क निर्माण में ऐश का उपयोग करता है, सड़क संनिर्माण के लिए संबद्ध प्राधिकारी संविदाकार को किए जाने वाले संदाय को तापीय विद्युत संयंत्र से ऐश के प्रदाय के प्रमाणीकरण के साथ जोड़ेगा।
- (14) कोयला या लिग्नाइट आधारित तापीय विद्युत संयंत्र, 300 किलोमीटर की परिधि के भीतर प्रधानमंत्री ग्रामीण सड़क योजना के अधीन सड़क संनिर्माण परियोजनाओं और भवनों, सड़कों, बांधों और तटबंधों के संनिर्माण को अंतर्वलित करने वाले सरकार के आस्ति सृजन कार्यक्रमों के स्थल तक ऐश के परिवहन की संपूर्ण लागत का वहन करेगा।”।

## 3. उक्त अधिसूचना के पैरा (2) के उप-पैरा (2क) को उप-पैरा (15) के रूप में पढ़ा जाए और उक्त उप-पैरा के अंत में निम्नलिखित उप-पैरा जोड़ा जाएगा, अर्थात् :-

“और तटीय जिलों में अवस्थित कोयला या लिग्नाइट आधारित तापीय विद्युत संयंत्र तटरेखा सुरक्षा उपायों का समर्थन करेंगे, उनके संनिर्माण में सहायता करेंगे या उसमें प्रत्यक्ष रूप से सम्मिलित होंगे।”

## 4. उक्त अधिसूचना के पैरा 3 में उप-पैरा (7) के पश्चात् निम्नलिखित अंतःस्थापित किया जाएगा, अर्थात् :-

- “(8) विभिन्न संनिर्माण परियोजनाओं का अनुमोदन करने वाले सभी राज्य प्राधिकारियों का यह उत्तरदायित्व होगा कि वे यह सुनिश्चित करें कि फ्लाई ऐश का उपयोग करने या फ्लाई ऐश आधारित उत्पादों के लिए तापीय विद्युत संयंत्रों और संनिर्माण अभिकरण या संविदाकारों के बीच परस्पर समझ ज्ञापन या कोई अन्य ठहराव किया जाता है।
- (9) राज्य प्राधिकारी, दस लाख या अधिक की जनसंख्या वाले नगरों की भवन निर्माण संबंधी उप विधियों का संशोधन करेंगे ताकि भार वहन करने वाली संरचनाओं हेतु तकनीकी अपेक्षाओं के अनुसार आवश्यक विनिर्देशों को ध्यान में रखते हुए ऐश आधारित ईंटों के आज्ञापक उपयोग को सुनिश्चित किया जा सके।

- (10) संबद्ध प्राधिकारी सभी सरकारी स्कीमों या कार्यक्रमों में, उदाहरणार्थ महात्मा गांधी राष्ट्रीय ग्रामीण रोजगार गारंटी अधिनियम, 2005 (मनरेगा), स्वच्छ भारत अभियान, शहरी और ग्रामीण आवासन स्कीम, जहां संनिर्मित क्षेत्र एक हजार वर्ग फुट से अधिक है और अवसंरचना संबंधी संनिर्माण में, जिसके अंतर्गत अभिहित औद्योगिक संपदाओं या पार्कों या विशेष आर्थिक जोनों में भवन निर्माण भी है, ऐश आधारित ईटों या उत्पादों के आज्ञापक उपयोग को सुनिश्चित करेंगे।
- (11) कृषि मंत्रालय कृषि क्रियाकलापों में ऐश के मृदा अनुकूलक के रूप में उपयोग का संवर्धन करने पर विचार कर सकेगा।”

**5. सभी संबद्ध प्राधिकारियों द्वारा उपरोक्त उपबंधों का अनुपालन करने की समयावधि 31 दिसंबर, 2017 है। कोयला या लिग्नाइट आधारित तापीय विद्युत संयंत्र, उनके द्वारा उत्पादित फ्लाई ऐश के 100 प्रतिशत उपयोग के अतिरिक्त उपरोक्त उपबंधों का अनुपालन 31 दिसंबर, 2017 से पूर्व करेंगे।**

[फा. सं. 9-8/2005-एचएसएमडी]

विश्वनाथ सिन्हा, संयुक्त सचिव

**टिप्पण:-** मूल अधिसूचना भारत के राजपत्र, असाधारण, भाग II, खंड 3, उप-खंड (ii) में अधिसूचना सं. का.आ. 763(अ), तारीख 14 सितंबर, 1999 द्वारा प्रकाशित की गई थी और इसमें पश्चातवर्ती संशोधन अधिसूचना सं. का.आ. 979(अ), तारीख 27 अगस्त, 2003 और का.आ. 2804(अ), तारीख 3 नवंबर, 2009 द्वारा किए गए थे।

MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 25th January, 2016

**S.O. 254(E).**—Whereas a draft of certain amendments to the Government of India in the Ministry of Environment, Forests and Climate Change number S.O. 763(E), dated the 14th September, 1999 (hereinafter referred to as the said notification) which the Central Government proposes to make 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, was published in the Gazette of India, Extraordinary, Part II, section 3, Sub-section (ii), vide S.O. 1396(E), dated the 25<sup>th</sup> May, 2015 inviting objections and suggestions from all persons likely to be affected thereby before the expiry of sixty days from the date on which copies of the Gazette containing the said draft amendments were made available to the public.

And, whereas copies of the said Gazette were made available to the public on 25th May, 2015;

And, whereas all the objections and suggestions received from all persons likely to be affected thereby in respect of the said 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 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following amendments to the said notification, namely: —

1. In the said notification, in paragraph 1,-

- in sub-paragraph 1(A), for the words “hundred kilometers”, the words “three hundred kilometers” shall be substituted;
- in sub-paragraph (3), for the figures and letters “100 km”, the words “three hundred kilometers” shall be substituted;
- in sub-paragraph (5), for the words “hundred Kilometers”, the words “three hundred Kilometers” shall be substituted;
- in sub-paragraph (7), for the words “hundred Kilometers”, the words “three hundred Kilometers” shall be substituted.

**2. In the said notification, in paragraph 2:-****(a) after sub-paragraph (1), the following proviso shall be inserted, namely:-**

“provided further that the restriction to provide 20 % of dry ESP fly ash free of cost shall not apply to those thermal power plants which are able to utilise 100 % fly ash in the prescribed manner.”

**(b) after sub-paragraph (7), the following sub-paragraphs shall be inserted, namely:-**

- “(8) Every coal or lignite based thermal power plants (including captive and or co-generating stations) shall, within three months from the date of notification, upload on their website the details of stock of each type of ash available with them and thereafter shall update the stock position at least once a Month.
- (9) Every coal or lignite based thermal power plants shall install dedicated dry ash silos having separate access roads so as to ease the delivery of fly ash.
- (10) The cost of transportation of ash for road construction projects or for manufacturing of ash based products or use as soil conditioner in agriculture activity within a radius of hundred kilometers from a coal or lignite based thermal power plant shall be borne by such coal or lignite based thermal power plant and the cost of transportation beyond the radius of hundred kilometers and up to three hundred kilometers shall be shared equally between the user and the coal or lignite based thermal power plant.
- (11) The coal or lignite based thermal power plants shall promote, adopt and set up (financial and other associated infrastructure) the ash based product manufacturing facilities within their premises or in the vicinity of their premises so as to reduce the transportation of ash.
- (12) The coal or lignite based thermal power plants in the vicinity of the cities shall promote, support and assist in setting up of ash based product manufacturing units so as to meet the requirements of bricks and other building construction materials and also to reduce the transportation.
- (13) To ensure that the contractor of road construction utilizes the ash in the road, the Authority concerned for road construction shall link the payment of contractor with the certification of ash supply from the thermal power plants.
- (14) The coal or lignite based thermal power plants shall within a radius of three hundred kilometers bear the entire cost of transportation of ash to the site of road construction projects under Pradhan Mantri Gramin Sadak Yojna and asset creation programmes of the Government involving construction of buildings, road, dams and embankments”.

**3. In the said notification, in paragraph 2, sub-paragraph (2A) be read as sub-paragraph (15) and at the end of the said sub-paragraph, the following sub-paragraph shall be added, namely:-**

“and the coal or lignite based thermal power plants located in coastal districts shall support, assist or directly engage into construction of shore line protection measures.”

**4. In the said notification, in paragraph 3, after sub-paragraph (7), the following shall be inserted, namely:-**

- “(8) It shall be the responsibility of all State Authorities approving various construction projects to ensure that Memorandum of Understanding or any other arrangement for using fly ash or fly ash based products is made between the thermal power plants and the construction agency or contractors.
- (9) The State Authorities shall amend Building Bye Laws of the cities having population One million or more so as to ensure the mandatory use of ash based bricks keeping in view the specifications necessary as per technical requirements for load bearing structures.
- (10) The concerned Authority shall ensure mandatory use of ash based bricks or products in all Government Scheme or programmes e.g. Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (MNREGA), SWACHH BHARAT ABIYAN, Urban and Rural Housing Scheme, where built up area is more than 1000 square feet and in infrastructure construction including buildings in designated industrial Estates or Parks or Special Economic Zone.



(11) The Ministry of Agriculture may consider the promotion of ash utilisation in agriculture as soil conditioner.”

- 5. The time period to comply with the above provisions by all concerned authorities is 31<sup>st</sup> December, 2017. The coal or lignite based thermal power plants shall comply with the above provision in addition to 100 % utilization of fly ash generated by them before 31<sup>st</sup> December, 2017.**

[F. No. 9-8/2005-HSMD]

BISHWANATH SINHA, Jt. Secy.

**Note:-** The principal notification was published in the Gazette of India, Extraordinary, Part II, section 3, Sub-section (ii) *vide* notification S.O. 763(E), dated the 14<sup>th</sup> September, 1999 and was subsequently amended *vide* notification S.O. 979(E), dated the 27<sup>th</sup> August, 2003 and S.O. 2804(E), dated the 3<sup>rd</sup> November, 2009.

MINISTRY OF ENVIRONMENT AND FORESTS  
NOTIFICATION

New Delhi, the 3rd November, 2009

S.O. 2804(E).—WHEREAS, by notification of the Government of India in the Ministry of Environment and Forests number S.O. 763(E), dated the 14<sup>th</sup> September, 1999 (hereinafter referred to as the said notification) issued under sub-section (1), clause (v) of sub-section (2) of section 3 and section 5 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government, issued directions for restricting the excavation of top soil for manufacture of bricks and promoting the utilisation of fly ash in the manufacture of building materials and in construction activity within a specified radius of one hundred kilometers from coal or lignite based thermal power plants;

AND WHEREAS, the term "fly ash" means and includes all categories or groups of coal or lignite ash generated at the thermal power plant and collected by Electrostatic Precipitator (ESP) or bag filters or other similar suitable equipments; bottom ash is the ash collected separately at the bottom of the boiler; pond ash is the mixture of ESP Fly ash and bottom ash, but, for the purpose of this notification, the term "fly ash" means and includes all ash generated such as Electrostatic Precipitator (ESP) ash, dry fly ash, bottom ash, pond ash and mound ash as the objective is to utilise all the ashes;

AND WHEREAS, there is a need for restricting the excavation of top soil for manufacture of bricks and for other works which involve use of top soil and promoting utilisation of fly ash produced by coal or lignite based thermal power plants including captive power plants and co-generation plants in the manufacture of building materials and construction activity;

AND WHEREAS, it was observed that there was a gradual increase in the use of fly ash in the manufacture of fly ash bricks or products from about 1.5 million tonne in 2002-2003 to 3.19 million tonne in 2006-2007 which needs to be further encouraged for achieving the ultimate objective of conservation of top soil and minimise environmental pollution caused due to fly ash;

AND WHEREAS, it is observed that construction agencies are yet to achieve their targets of utilization of fly ash based products even after the 31<sup>st</sup> August, 2007, the date prescribed for 100% utilisation of fly ash based products in the said notification of 1999 and it is also observed that many thermal power stations or plants are also yet to achieve the targets drawn up in their action plans;

AND WHEREAS, the representations of the brick kiln owners were considered with regard to transporting of fly ash over a long distance and also the logistics involved including the energy cost;

AND, WHEREAS, the issue has been examined by the Government of India in the Ministry of Environment and Forests;

AND WHEREAS, the Central Government is of the opinion that the said notification should be amended;

AND WHEREAS, clause (a) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986 provides that whenever the Central Government considers that prohibition or restrictions of any industry or carrying on any processes or operation in any area should be imposed, it shall give notice of its intention to do so;

AND WHEREAS, a draft of amendment to the Government of India, Ministry of Environment and Forests notification no. S.O.763 (E), dated the 14th September, 1999 duly amended vide notification No. S.O. 979 (E), dated the 27<sup>th</sup> August, 2003 (hereinafter referred to as the said notification) which the Central Government proposes to make under subsection (1) 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, were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) dated the 6<sup>th</sup> November, 2008 vide S.O. 2623 (E), inviting objections and suggestions from all persons likely to be affected thereby before the expiry of sixty days from the date on which copies of the Gazette containing the said draft amendments were made available to the public.

AND WHEREAS, copies of the said Gazette were made available to the public on the day of 6<sup>th</sup> November 2008;

AND WHEREAS, the objections and suggestions received from various persons or agencies likely to be affected thereby in respect of the said draft notification have been duly considered by the Central Government in the Ministry of Environment and Forests;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following amendments to the said notification, namely:—

#### AMENDMENTS

1. Throughout the said notification, save as otherwise expressly provided and unless the context otherwise requires, for the word “ash” wherever it occurs, the words “fly ash” shall be substituted.

2. In the said notification, in paragraph 1,—

(a) for sub-paragraph (1), the following shall be substituted, namely:—

“(i) use of fly ash based products in construction activities”;

(b) for sub-paragraphs (1A) and (1B), the following sub-paragraphs shall respectively be substituted, namely:—

“(1A) Every construction agency engaged in the construction of buildings within a radius of hundred kilometers from a coal or lignite based thermal power plant shall use only fly ash based products for construction, such as: cement or concrete, fly ash bricks or blocks or tiles or clay fly ash bricks, blocks or tiles or cement fly ash bricks or bricks or blocks or similar products or a combination or aggregate of them, in every construction project.

(1B) The provisions of sub-paragraph (1A) shall be applicable to all construction agencies of Central or State or Local Government and private or public sector and it shall be the responsibility of the agencies either undertaking construction or approving the design or both to ensure compliance of the provisions of sub-paragraph (1A) and to submit annual returns to the concerned State Pollution Control Board or Pollution Control Committee, as applicable”;

(c) after sub-paragraph (1B), the following sub-paragraph shall be inserted, namely:—

“(1C) Minimum fly ash content for building materials or products to qualify as “fly ash based products” category shall be as given in the Table I below:

Table I

Serial Number	Building Materials or Products	Minimum % of fly ash by weight
(1)	(2)	(3)
1.	Fly ash bricks, blocks, tiles, etc. made with fly ash, lime, gypsum, sand, stone dust etc. (without clay).	50% of total input materials
2.	Paving blocks, paving tiles, checker tiles, mosaic tiles, roofing sheets, pre-cast elements, etc. wherein cement is used as binder.	Usage of PPC (IS-1489: Part-1) or PSC (IS-455) or 15% of OPC (IS-269/8112/12269) content.
3.	Cement.	15% of total raw materials
4.	Clay based building materials such as bricks, blocks, tiles, etc.	25% of total raw materials.
5.	Concrete, mortar and plaster.	Usage of PPC (IS-1489: Part-1) or PSC (IS-455) or 15% of OPC (IS-269/8112/12269) content.

(d) in sub-paragraph (2), for the brackets and number “(1)”, the brackets, number and letter “(1C)” shall be substituted and the number of sub-paragraph (2) shall be substituted by 1(D);

(e) in paragraph (2A), the paragraph 1(A) shall be substituted by 1(A) and 1(B) and the amended paragraph 2(A) is to be numbered as 1(E);

(f) for sub-paragraphs (3) and (3A), the following sub-paragraphs shall respectively be substituted, namely:—

“(3) In case of non-availability of fly ash from thermal power plants in sufficient quantities as certified by the said power plants, within 100 km of the site, the stipulation under sub-paragraph (1A) shall be suitably modified (waived or relaxed) by the concerned State Government or Union territory Government level monitoring committee mentioned elsewhere in this notification.

(3A) A decision on the application for manufacture of fly ash bricks, blocks and tiles and similar other fly ash based products shall be taken within thirty days from the date of receipt of the application by the concerned State Pollution Control Board or Pollution Control Committee.”;

(g) sub-paragraphs (3B), (3C) and (3D) shall be omitted;

(h) for sub-paragraphs (4) and (5), the following sub-paragraphs shall be substituted, namely:-

“(4) Each coal or lignite based thermal power plant shall constitute a dispute settlement committee which shall include the General Manager of the thermal power plant and a representative of the relevant Construction and fly ash Brick Manufacturing Industry Association or Body, as the case may be and such a Committee shall ensure unhindered loading and transport of fly ash in an environmentally sound manner without any undue loss of time. Any unresolved dispute shall be dealt with by the concerned State or Union territory Government level monitoring committee mentioned elsewhere in this notification.

(5) No agency, person or organization shall, within a radius of hundred kilometers of a thermal power plant undertake construction or approve design for construction of roads or flyover embankments with top soil; the guidelines or specifications issued by the Indian Road Congress (IRC) as contained in IRC specification No. SP: 58 of 2001 as amended from time to time, regarding use of fly ash shall be followed and any deviation from this direction can only be agreed to on technical reasons if the same is approved by Chief Engineer (Design) or Engineer-in-Chief of the concerned agency or organisation or on production of a certificate of “fly ash not available” from the thermal power plant(s) (TPPs) located within hundred kilometers of the site of construction and this certificate shall be provided by the TPP within two working days from the date of receipt of a request for fly ash, if fly ash is not available”;

(i) in sub-paragraph (6), for the words “Voids created due to soil borrow area shall be filled up with ash with proper compaction and covered with topsoil kept separately as above and this would be done as an integral part of embankment project within the time schedule of the project”, the words “Voids created at soil borrow area shall be filled up with fly ash with proper compaction and covered with topsoil kept separately as above and this would be done as an integral part of embankment project” shall be substituted;

(j) for sub-paragraph (7), the following sub-paragraphs shall be substituted, namely:—

“(7) No agency, person or organisation shall within a radius of hundred kilometers of a coal or lignite based thermal power plant undertake or approve or allow reclamation and compaction of low-lying areas with soil; only fly ash shall be used for compaction and reclamation and they shall also ensure that such reclamation and compaction is done in accordance with the specifications and guidelines laid down by the authorities mentioned in sub-paragraph (1) of paragraph 3.



(8)(i) No person or agency shall within fifty kilometers (by road) from coal or lignite based thermal power plants, undertake or approve stowing of mine without using at least 25% of fly ash on weight to weight basis, of the total stowing materials used and this shall be done under the guidance of the Director General of Mines Safety (DGMS);

Provided that such thermal power stations shall facilitate the availability of required quality and quantity of fly ash as may be decided by the expert committee referred in sub-paragraph (10) for this purpose.

(ii) No person or agency shall within fifty kilometers (by road) from coal or lignite based thermal power plants, undertake or approve without using at least 25% of fly ash on volume to volume basis of the total materials used for external dump of overburden and same percentage in upper benches of back filling of opencast mines and this shall be done under the guidance of the Director General of Mines Safety (DGMS);

Provided that such thermal power stations shall facilitate the availability of required quality and quantity of fly ash as may be decided by the expert committee referred in sub-paragraph (10) for this purpose.

(9) The provisions contained in clauses (i) and (ii) of sub-paragraph (8) shall be applicable to all mine agencies under Government, public and private sector and to mines of all minerals or metals or items and it shall be the responsibility of agencies either undertaking or approving the external dump of overburden, backfilling or stowing of mine or all these activities to ensure compliance of provisions contained in clauses (i) and (ii) of sub-paragraph (8) and to submit annual returns to the concerned State Pollution Control Board or Pollution Control Committee as applicable.

(10) The Ministry of Coal for this purpose shall constitute an expert committee comprising of representatives from Fly Ash Unit, Department of Science and Technology, Ministry of Science and Technology, Director General of Mines Safety (DGMS), Central Mine Planning and Design Institute Limited (CMPDIL), Ministry of Environment and Forests, Ministry of Power, Ministry of Mines and the Central Institute of Mining and Fuel Research (CIMFR), Dhanbad; the Committee shall also guide and advise the back filling or stowing in accordance with the provisions contained in sub-paragraphs (8) (i), 8 (ii) and (9), and specifications and guidelines laid down by the concerned authorities as mentioned in sub-paragraph (1) of paragraph 3.

(11) The concerned State Government or Union territory Government shall be the enforcing and monitoring authority for ensuring compliance of the provisions of sub-paragraphs (8) (i) and (8) (ii);

3. in the said notification, by paragraph 2,—

(a) for sub-paragraphs (1), (2) and (3), the following sub-paragraphs shall be substituted, namely:—

(1) All coal or lignite based thermal power stations would be free to sell fly ash to the user agencies subject to the following conditions, namely:—

(i) the pond ash should be made available free of any charge on “as is where is basis” to manufacturers of bricks, blocks or tiles including clay fly ash product manufacturing unit(s), farmers, the Central and the State road construction agencies, Public Works Department, and to agencies engaged in backfilling or stowing of mines.

(ii) at least 20% of dry ESP fly ash shall be made available free of charge to units manufacturing fly ash or clay-fly ash bricks, blocks and tiles on a priority basis over other users and if the demand from such agencies falls short of 20% of quantity, the balance quantity can be sold or disposed of by the power station as may be possible;

Provided that the fly ash obtained from the thermal power station should be utilized only for the purpose for which it was obtained from the thermal power station or plant failing which no fly ash shall be made available to the defaulting users.

(2) All coal and, or lignite based thermal power stations and, or expansion units in operation before the date of this notification are to achieve the target of fly ash utilization as per the Table II given below:

Table II

Serial Number	Percentage Utilization of Fly Ash	Target Date
(1)	(2)	(3)
1.	At least 50% of fly ash generation	One year from the date of issue of this notification.
2.	At least 60% of fly ash generation	Two years from the date of issue of this notification.
3.	At least 75% of fly ash generation	Three years from the date of issue of this notification.

4.	At least 90% of fly ash generation	Four years from the date of issue of this notification.
5.	100% fly ash generation	Five years from the date of issue of this notification.

The unutilised fly ash in relation to the target during a year, if any, shall be utilized within next two years in addition to the targets stipulated for those years and the balance unutilized fly ash accumulated during first five years (the difference between the generation and the utilization target) shall be utilized progressively over next five years in addition to 100% utilization of current generation of fly ash.

(3) New coal and, or lignite based thermal power stations and, or expansion units commissioned after this notification to achieve the target of fly ash utilization as per Table III given below:

Table III

Serial Number	Fly ash utilization level	Target date
(1)	(2)	(3)
1.	At least 50% of fly ash generation	One year from the date of commissioning.
2.	At least 70% of fly ash generation	Two years from the date of commissioning.
3.	90% of fly ash generation	Three years from the date of commissioning.
4.	100% of fly ash generation	Four years from the date of commissioning.

The unutilised fly ash in relation to the target during a year, if any, shall be utilized within next two years in addition to the targets stipulated for these years and the balance unutilized fly ash accumulated during first four years (the difference between the generation and utilization target) shall be utilized progressively over next five years in addition to 100% utilization of current generation of fly ash.”;

(b) in sub-paragraph (4), for the words “six months”, the words “four months” shall be substituted;

(c) for sub-paragraph (6), the following sub-paragraphs shall be substituted, namely:—

“(6) The amount collected from sale of fly ash and fly ash based products by coal and/or lignite based thermal power stations or their subsidiary or sister concern unit, as applicable should be kept in a separate account head and shall be utilized only for development of infrastructure or facilities, promotion and facilitation activities for use of fly ash until 100 percent

fly ash utilization level is achieved; thereafter as long as 100% fly ash utilization levels are maintained, the thermal power station would be free to utilize the amount collected for other development programmes also and in case, there is a reduction in the fly ash utilization levels in the subsequent year(s), the use of financial return from fly ash shall get restricted to development of infrastructure or facilities and promotion or facilitation activities for fly ash utilization until 100 percent fly ash utilisation level is again achieved and maintained.

(7) Annual implementation report (for the period 1<sup>st</sup> April to 31<sup>st</sup> March) providing information about the compliance of provisions in this notification shall be submitted by the 30<sup>th</sup> day of April, every year to the Central Pollution Control Board, concerned State Pollution Control Board or Committee and the concerned Regional Office of the Ministry of Environment and Forests by the coal or lignite based thermal power plants, and also be made a part of the annual report of the thermal power plant as well as thermal power plant wise information be provided in the annual report of thermal power producing agency owning more than one thermal power plant.”;

4. in the said notification, in paragraph 3,—

(a) in sub-paragraph (2), for the words “schedules of specifications and construction applications, including appropriate standards and codes of practice, within a period of four months from the publication of this notification”, the words “tender documents, schedules of specifications and construction applications including appropriate standards and codes of practice within a period of four months from the publication of this notification” shall be substituted;

(b) for sub-paragraph (2A), the following sub-paragraph shall be substituted, namely:—

“(2A) Building construction agencies both in public and private shall prescribe the use of fly ash and fly ash-based products in their respective tender documents, schedules of specifications and construction applications, including appropriate standards and codes of practice and make provisions for the use of fly ash and fly ash based bricks, blocks or tiles or aggregates of them in the schedule of approved materials and rates within a period of four months from the publication of this notification.”;

(c) for sub-paragraphs (2B) and (3), the following sub-paragraphs shall be substituted, namely:—

“(2B) All agencies undertaking construction of roads or fly over bridges and reclamation and compaction of low lying areas, including Department of Road Transport and Highways (DORTH), National Highways Authority of India (NHAI), Central Public Works Department (CPWD), State Public Works Departments and other State Government Agencies, shall within a period of four months from the publication of this notification:-

- (a) make provisions in their tender documents, schedules of approved materials and rates as well as technical documents for implementation of this notification, including those relating to soil borrow area or pit as per sub-paragraph (6) of paragraph 1; and
  - (b) make necessary specifications or guidelines for road or fly over embankments that are not covered by the specifications laid down by the Indian Road Congress (IRC).
- (3) All local authorities shall specify in their respective tender documents, building bye-laws and regulations, the use of fly ash and fly ash-based products and construction techniques in building materials, roads embankments or for any usage with immediate effect.
- (4) The Central Electricity Authority and other approving agencies may permit the land area for emergency ash pond or fly ash storage area up to 50 hectares for a 500 MW unit, based on 45% ash content coal, or in the same proportion for units in other capacities taking into account the ash content in coal or lignite to be used.
- (5) All Financial institutions and agencies which fund construction activities shall include a clause in their loan or grant document for compliance of the provisions of this notification.
- (6) A Monitoring committee shall be constituted by the Central Government with Members from Ministry of Coal, Ministry of Mines, Ministry of Power, Central Pollution Control Board, Central Electricity Authority, Head Fly Ash Unit of Department of Science and Technology and Building Material Technology Promotion Council to monitor the implementation of the provisions of the notification and submit its recommendations or observations at least once in every six months to the Secretary, Ministry of Environment and Forests. Concerned Advisor or Joint Secretary in the Ministry of Environment and Forests will be the convener of this committee.

(7) For the purpose of monitoring the implementation of the provisions of this notification the State Governments or Union territory Government shall constitute a Monitoring Committee within three months from the date of issue of this notification under the Chairmanship of Secretary, Department of Environment with representatives from Department of Power, Department of Mining, Road and Building Construction Department and State Pollution Control Board and this Committee would deal with any unresolved issue by Dispute Settlement Committee as prescribed in sub-paragraph (4) of paragraph 1, in addition to monitoring and facilitating implementation of this notification at the respective State Government or Union territory level and this Committee would also be empowered to suitably modify (waive or relax) the stipulation under sub-paragraph (1) in case of non-availability of fly ash in sufficient quantities from thermal power plant as certified by the said power plants and the Committee will meet at least once in every quarter.

[F. No. 9-8/2005-HSMD]

G. V. SUBRAHMANYAM, Scientist 'G'

Foot Note :—The principal notification was published in the Gazette of India, Part II, Section 3, Sub-section (ii) *vide* notification number S.O. 763(E), dated the 14th September, 1999 and was amended *vide* notification number S. O. 979(E), dated the 27th August, 2003.



## MINISTRY OF ENVIRONMENT AND FORESTS

### NOTIFICATION

**New Delhi, the 27th August 2003.**

**S.O. 979 (E):-** Whereas a draft of certain amendments to the Government of India in the Ministry of Environment and Forests notification number S.O.763 (E) dated 14<sup>th</sup> September, 1999 (hereinafter referred to as the said notification) which the Central Government proposes to make 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, were published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) dated the 6<sup>th</sup> November, 2002 *vide* S.O. 1164 (E), dated the 5<sup>th</sup> November, 2002 inviting objections and suggestions from all persons likely to be affected thereby before the expiry of sixty days from the date on which copies of the Gazette containing the said draft amendments were made available to the public.

And, whereas copies of the said Gazette were made available to the public on 27<sup>th</sup> November 2002;

And, whereas all the objections and suggestions received from all persons likely to be affected thereby in respect of the said 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 (29 of 1986) read with clause (d) of sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby makes the following amendments to the said notification, namely: -

### AMENDMENTS

1. In the said notification, in the preamble, for the words "fifty kilometers", the words "one hundred kilometres" shall be substituted.
2. In the said notification, in paragraph 1, -
  - (a) in sub-paragraph (1), for the words "fifty kilometers", the words "one hundred kilometres" shall be substituted;
  - (b) after sub-paragraph (1), the following sub- paragraphs shall be inserted, namely: -

"(1A) Every construction agency engaged in the construction of buildings within a radius of fifty to one hundred kilometres from a coal or lignite based thermal power plant shall use fly ash bricks or blocks or tiles or clay fly ash bricks or cement fly ash bricks or blocks or similar products or a combination or aggregate of them in such construction as per the following minimum percentage (by volume) of the total bricks, blocks and tiles, as the case may be, used in each construction project, namely:-

(i) 25 per cent by 31<sup>st</sup> August 2004;

(ii) 50 per cent by 31<sup>st</sup> August 2005;

(iii) 75 per cent by 31<sup>st</sup> August, 2006; and

(iv) 100 per cent by 31<sup>st</sup> August 2007.

In respect of construction of buildings within a radius of 50 kilometres from a coal or lignite based thermal power plant the following minimum per centage (by volume) of use of bricks, blocks and tiles shall apply: -

(i) 50 per cent by 31<sup>st</sup> August 2004;

(ii) 100 per cent by 31<sup>st</sup> August 2005.

(1B) The provisions of sub-paragraph (1A) shall be applicable to all construction agencies such as Housing Boards and those in the private sector builders of apartments, hotels, resorts and cottages and the like. It shall be the responsibility of the construction agencies either undertaking the construction or approving the design or both to ensure compliance of the provisions of sub-paragraph (1A) and to submit such returns as may be called for and compliance reports to the State Government or Union territory Administration”;

(c) for sub-paragraph (2), the following sub-paragraphs shall be substituted, namely: -

“(2) The authority for ensuring the use of specified quantity of ash as per sub-paragraph (1) shall be the concerned Regional Officer of the State Pollution Control Board or the Pollution Control Committee, as the case may be.

(2A) The concerned State Government shall be the enforcing and monitoring authority for ensuring compliance of the provisions of sub-paragraph (1A).”;

(d) in sub-paragraph (3), for the words, brackets and figure “under para (1)” the words, brackets and figure “under sub-paragraph (1)” shall be substituted;

(e) after sub-paragraph (3), the following sub-paragraphs shall be inserted, namely: -

“(3A) A decision on the application for manufacture of fly ash bricks, block, and tiles and similar other fly ash based products shall be taken within thirty days from the date of receipt of the application by the competent authority. A decision on consent to establish the brick kiln shall be taken by the Pollution Control Board or the Pollution Control Committee, as the case may be, within a period of thirty days from the date of receipt of application by it.

(3B) In case of non-compliance of the provisions of sub-paragraph (1) of paragraph 1, the competent authority, in addition to cancellation of consent order issued to establish the brick kiln, shall move the district administration for cancellation of the mining lease.

(3C) All authorities sanctioning or renewing any land, soil or clay mining lease shall not grant such lease or extension of lease or renewal to clay brick, block or tile manufacturing unit within a radius of

one hundred kilometres of the coal or lignite based thermal power plant in cases where the manufacturer does not mix a minimum of 25 per cent by weight of fly ash or pond ash in the manufacture of bricks or blocks or tiles. The cancellation of mining lease shall be decided by the district administration after giving the holder of such lease an opportunity of being heard. To enable the competent authority to verify the actual use of ash, the thermal power plant shall maintain month-wise records of ash made available to each brick kiln.

(3 D) It shall be sufficient compliance of this notification if within twelve months from the date of issue of this notification, manufacturers of clay bricks, blocks and tiles located within a radius of 50 to 100 kilometres of a coal or lignite based thermal power plant comply with the provisions of sub-paragraphs (1) and (2).”.

(f) in sub-paragraph (4), after brackets and letters “(AIBTMF)”, the words “or a representative of local brick kiln owners association, federation, group.” shall be inserted;

(g) after sub-paragraph (4), the following sub-paragraphs shall be inserted, namely: -

"(5) No agency, person or organization shall, within a radius of 100 kilometres of a thermal power plant undertake construction or approve design for construction of roads or flyover embankments in contravention of the guidelines/ specifications issued by the Indian Road Congress (IRC) as contained in IRC specification No. SP: 58 of 2001. Any deviation from this direction can only be agreed to on technical reasons if the same is approved by Chief Engineer (Design) or Engineer-in-Chief of the concerned agency or organization or on production of a certificate of "Pond ash not available" from the thermal power plant(s) (TPPs) located within 100 kilometres of the site of

construction. This certificate shall be provided by the TPP within two working days from the date of making a request for ash.

(6) Soil required for top or side covers of embankments of roads or flyovers shall be excavated from the embankment site and if it is not possible to do so, only the minimum quantity of soil required for the purpose shall be excavated from soil borrow area. In either case, the topsoil should be kept or stored separately. Voids created due to soil borrow area shall be filled up with ash with proper compaction and covered with topsoil kept separately as above. This would be done as an integral part of embankment project within the time schedule of the project.

(7) No agency, person or organization shall within a radius of 100 kilometres of a coal or lignite based thermal power plant allow reclamation and compaction of low-lying areas with soil. Only pond ash shall be used for compaction. They shall also ensure that such reclamation and compaction is done in accordance with the bye-laws, regulations and specifications laid down by the authorities mentioned in sub-paragraph (3) of paragraph 3.”.

3. In the said notification, in paragraph 2,
  - (a) for the marginal heading “**Utilisation of ash by Thermal Power Plants**”, the marginal heading ‘**Responsibilities of Thermal Power Plants**’ shall be substituted;
  - (b) for the opening words, “All coal or lignite based thermal power plants shall utilise the ash generated in the power plants as follows: -”, “Every coal or lignite based thermal power plant shall take the following steps to ensure the utilisation of ash generated by it, namely: -”;
  - (c) in sub-paragraph (1), -

(i) after the words “products such as cement, concrete blocks, bricks, panels”, the words “or a combination thereof” shall be inserted;

(ii) the following shall be added at the end, namely: -

“ The thermal power plants have to ensure availability of fair quantity of ash to each user including brick kilns.”;

4. In the said notification, after paragraph 2, the following paragraph shall be inserted, namely: -

**“2A. Utilization of fly ash for reclamation of sea.**

“Subject to the rules made under the Environment (Protection) Act, 1986, (29 of 1986) reclamation of sea shall be a permissible method of utilization of fly ash.”.

5. In the said notification, in paragraph 3, the following sub-paragraphs shall be inserted, namely: -

“(2A) All agencies including the Central Public Works Department and State Government agencies concerned with utilization of fly ash for construction purposes shall, within three months from the 1<sup>st</sup> day of September, 2003 make provisions for the use of fly ash and fly ash based bricks, blocks or tiles or aggregates of them in the schedule of approved materials and rates.

(2B) All agencies undertaking construction of roads or fly over bridges including Ministry of Road Transport and Highways (MORTH), National Highways Authority of India (NHAI), Central Public Works Department (CPWD), State Public Works Departments and other State Government Agencies, shall, within three months from the 1<sup>st</sup> day of September, 2003 -

- a. make provisions in their tender documents, schedules of approved materials and rates as well as technical documents, including those relating to soil borrow area or pit as per sub-paragraph (7) of paragraph 1; and
- b. make necessary specifications/guidelines for road or fly over embankments that are not covered by the specifications laid down by the Indian Road Congress (IRC).” .

**[F.No.16-2/95-HSMD]**  
**(Dr. V. Rajagopalan)**  
**Joint Secretary to the Govt. of India**

**Footnote.** - The principal notification was published in the Gazette of India, Part II, Section 3, sub-section (ii) *vide* S.O.763 (E) dated 14.9.1999.

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**DAHANU TALUKA ENVIRONMENT (PROTECTION) AUTHORITY**  
**MINISTRY OF ENVIRONMENT & FORESTS**  
**NOTIFICATION**

New Delhi, the 19<sup>th</sup> December, 1996

**S.O.884(E).**- In exercise of the powers conferred by sub-section (3) of Section 3 of the Environment (Protection) Act, 1986 (29 of 1986) (hereinafter referred to as the said Act), the Central Government hereby constitutes an authority known as the Dahanu Taluka Environment Protection Authority, in the District of Thane, State of Maharashtra, consisting of the following members for a period of one year on and from the date of publication of this notification in the Official Gazette, namely : -

- |      |  |                       |
|------|--|-----------------------|
| (1)  | Justice Chandrashekhar Shankar Dharmadhikari<br>(Retired Judge of High Court, Mumbai)  | - Chairperson         |
| (2)  | Director, National Institute of Hydrology, University Campus<br>Roorkee, (U.P.)<br>( Expert in the field of Hydrology)                                 | - Member              |
| (3)  | Director, National Institute of Oceanography, Dona Paula, Goa<br>(Expert in the field of Oceanography and Aquatic Ecology )                            | - Member              |
| (4)  | Head of the Botany Department, Mumbai University, Mumbai<br>(Expert in the field of Terrestrial Ecology)   | -Member               |
| (5)  | Head, Department of Environmental Engineering, IIT, Mumbai<br>(Expert in the field of Environmental Engineering )                                      | - Member              |
| (6)  | Prof. K.B.Jain, Center for Environmental Planning & Technology,<br>Ahmedabad (Expert in the field of the Developmental and<br>Environmental Planning ) | - Member              |
| (7)  | Director, National Institute of Design, Ahmedabad<br>(Expert in the field of Information Technology)   | - Member              |
| (8)  | Collector, Thane   | - Member              |
| (9)  | The Member Secretary, Maharashtra State Pollution Control<br>Board, Mumbai   | - Member              |
| (10) | A representative of Non-Governmental Organization<br>(To be appointed by the Central Government)   | - Member              |
| (11) | Shri V.W.Deshpande, Deputy Secretary, Urban Development<br>Department, Govt. of Maharashtra, Mumbai  | - Member<br>Secretary |



2. The Authority shall exercise the following powers and perform the following functions namely : -

exercise of powers under section 5 of the Environment (Protection) Act, 1986 for issuing directions and for taking measures with respect to matters referred to in clauses (v), (vi), (vii), (viii), (ix) and (xii) of sub-section (2) of section 3 of the said Act;

to protect the ecologically fragile areas of Dahanu Taluka and to control pollution in the said area ;

to consider and implement the “Pre-cautionary Principle “ and the “Polluter Pays Principle”;

to consider and implement the recommendations given by the National Environmental Engineering Research Institute, Nagpur, in respect of Dahanu Taluka;

to ensure the implementation of the notifications issued by the Government of India in the Ministry of Environment & Forests No. S.O.114 (E), dated 19<sup>th</sup> February, 1991 and No.S.O.416(E), dated the 20<sup>th</sup> June, 1991;

to comply with the relevant orders issued by the Bombay High Court and the Supreme Court from time to time;

to deal with any other relevant environment issues pertaining to Dahanu Taluka, including those which may be referred to it by the Central Government in the Ministry of Environment & Forests.

3. The Authority shall furnish a progress report about its activities at least once in two months to the Central Government in the Ministry of Environment & Forests.

4. The Authority shall have its Headquarters at Mumbai, Maharashtra.

5. The terms and conditions of appointment of the Chairperson and Members shall be as determined by the Central Government from time to time.

[F.No.J-17011/21/95-IA-III]  
R.H.KHAWAJA, Jt. Secretary

## CENTRAL GROUND WATER BOARD AUTHORITY

### MINISTRY OF ENVIRONMENT & FORESTS

#### NOTIFICATION

New Delhi, the 14<sup>th</sup> January, 1997

**S.O.38(E).**- In exercise of the powers conferred by sub-section (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) (hereinafter referred to as the said Act), the Central Government hereby constitute the Central Ground Water Board as an Authority for the purposes of regulation and control of Ground Water Management and Development for period of one year from the date of publication of this notification in the official gazette, namely: -

- |     |  |               |
|-----|--|---------------|
| (1) | Chairman, Central Ground Water Board   | - Chairperson |
| (2) | Member (Exploratory Drilling and Materials Management),<br>Central Ground Water Board  | - Member      |
| (3) | Member (Sustainable Management and Liaison),<br>Central Ground Water Board   | - Member      |
| (4) | Member (Survey, Assessment and Monitoring), Central<br>Ground Water Board  | - Member      |
| (5) | .....<br>(An officer not below the rank of the Joint Secretary<br>to the Government of India to be appointed by the<br>Central Government) | - Member      |

2. The Authority shall exercise the following powers and perform the following functions, namely: -

- (i) exercise of powers under section 5 of the Environment (Protection) Act, 1986 for issuing directions and taking such measures in respect of all the matters referred to in sub-section (2) of section 3 of the said Act;
- (ii) to resort to the penal provisions contained in sections 15 to 21 of the said Act;
- (iii) to regulate indiscriminate boring and withdrawal of ground water in the country and to issue the necessary regulatory directions with a view to preserve and protect the ground water.

3. The jurisdiction of the Authority shall be whole of India.

4. The Authority shall function under the administrative control of the Government of India in the Ministry of Water Resources with its Headquarters at Delhi.

[F.No.L-11011/29/96-IA.III]  
R.H.KHWAJA, Jt. Secretary

**AQUACULTURE AUTHORITY**  
**MINISTRY OF ENVIRONMENT & FORESTS**

**NOTIFICATION**

New Delhi, the 6<sup>th</sup> February, 1997

**S.O. 88(E).** - In exercise of the powers conferred by sub-section (3) of Section 3 of the Environment (Protection) Act, 1986 (29 of 1986) (hereinafter referred to as the said Act), the Central Government hereby constitute an authority known as Aquaculture Authority to deal with the situation created by the shrimp culture industry in the coastal States and Union Territories consisting of the following members for a period of one year from the date of publication of this notification in the Official Gazette, namely : -

- |     |  |                  |
|-----|--|------------------|
| (1) | .....<br>( A retired Judge of High Court to be appointed by the Central Government )                             | Chairperson      |
| (2) | .....<br>(An expert in the field of aquaculture, to be appointed by the Central Government)                      | Member           |
| (3) | .....<br>(An expert in the field of pollution control, to be appointed by the Central Government)                | Member           |
| (4) | .....<br>(An expert in the field of environment protection, to be appointed by the Central Government )          | Member           |
| (5) | .....<br>( A representative of the Ministry of Environment & Forests, to be appointed by the Central Government) | Member           |
| (6) | .....<br>( A representative of the Ministry of Agriculture, to be appointed by the Central Government)           | Member           |
| (7) | .....<br>( A representative of the Ministry of Commerce, to be appointed by the Central Government )             | Member           |
| (8) | .....<br>(To be appointed by the Central Government)   | Member Secretary |

2. The Authority shall exercise the following powers and perform the following functions, namely : -

- (i) exercise of powers under section 5 of the Environment (Protection) Act, 1986 for issuing directions and for taking measures with respect to matters referred to in clause (v), (vi), (vii), (viii), (ix) and (xii) of sub-section (2) of section 3 of the said Act;
- (ii) to take steps and ensure the closure, demolition and removal of all the existing aquaculture activities by the 31<sup>st</sup> March, 1997 from the Coastal Regulation Zone areas as demarcated in the Coastal Zone Management Plans prepared in accordance with the Coastal Regulation Zone Notification No. S.O.114(E) dated the 19<sup>th</sup> February, 1991 by the concerned coastal States and Union Territories and upto 1000 m in respect of Chilka lake and Pulicat lake, except the traditional and improved traditional types of technologies (as defined in Algarswami report) which area practiced in the coastal low lying areas;
- (iii) to ensure that no shrimp culture pond can be constructed or setup within the Coastal Regulation Zone and upto 1000 m of Chilka lake and Pulicat lake (including bird sanctuaries namely, Yadurpattu and Nelpattu) ;
- (iv) to ensure and give approval to the farmers who are operating traditional and improved traditional systems of aquaculture for adoption of improved technology for increased production;
- (v) to ensure that the agricultural lands, salt pan lands, mangroves, wetlands, forest lands, land for village common purposes and the land meant for public purposes shall not be used or converted for construction of shrimp culture ponds;
- (vi) the Authority shall implement the “Precautionary Principle” and the “Polluter Pays Principle”, by adopting the procedure described in the Supreme Court order dated 11-12-1996 passed in the Writ Petition (Civil) No. 561 of 1994 ;
- (vii) the Authority shall also regulate the shrimp culture activities outside the Coastal Regulation Zone areas and beyond 1000m from the Pulicat lake and Chilka lake and also give the necessary approvals/authorisations by the 30th April, 1997;
- (viii) the Authority in consultation with expert bodies like National Environmental Engineering Research Institute, Central Pollution Control Board, respective State Pollution Control Boards shall frame Scheme/Schemes for reversing the damage caused to the ecology and environment by pollution in the coastal States and Union Territories;

- (ix) the Authority shall ensure the payment of compensation to the workmen employed in the shrimp culture industries as per the procedure laid down in the Supreme Court order dated 11-12-1996 passed in the Writ Petition (Civil) No. 561 of 1994;
- (x) to comply with the relevant orders issued by the concerned High Courts and Supreme Court from time to time;
- (xi) to deal with any other relevant environment issues pertaining to coastal areas with respect to shrimp culture farming, including those which may be referred to it by the Central Government in the Ministry of Environment & Forests;

3. The jurisdiction of the Authority shall cover all the coastal States and Union Territories.

4. The Scheme/Schemes framed by the Authority for reversing the damage caused due to the pollution in the coastal States and Union Territories shall be executed by the respective State Government and Union Territory Administrations under the supervision of the Central Government.

5. The Authority shall function under the administrative control of Government of India in the Ministry of Agriculture, with its headquarters at Delhi.

6. The terms and conditions of appointment of the Chairperson and Members shall be as determined by the Central Government from time to time.

[F.NO.L-11011/12/94-IA-III]  
R.H.KHAWAJA, Jt. SECRETARY

**THE 2 - T OIL (REGULATION OF SUPPLY AND DISTRIBUTION)  
ORDER, 1998.**

**MINISTRY OF ENVIRONMENT AND FORESTS**

**ORDER**

**New Delhi, the 31st December, 1998**

**G.S.R.778(E).** - Whereas with a view to protecting and improving the quality of the environmental and preventing, controlling and abating environment pollution in the National Capital Territory of Delhi, it is expedient and necessary to take measures relating to the supply, distribution, buying and selling of 2-T oil (lubricating oil);

Now, therefore, in exercise of the powers conferred by sub-sections (1) and (2) of Section 3 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby makes the following Order namely :-

**1. SHORT TITLE, EXTENT AND COMMENCEMENT :-**

- (1) This Order may be called the 2-T Oil (Regulation of Supply and Distribution) Order, 1998.
- (2) It extends to the whole of the National Capital Territory of Delhi.
- (3) It shall come into force on the date of its publication in the Official Gazette.

**2. DEFINITIONS :-**

In this Order, unless the context otherwise requires-

- (a) "2-T Oil" means lubricating oil, meeting API-TC (American Petroleum Institute-TC) or JASO (Japanese Automobile Standards Organisation) specification, used in 2-stroke petrol driven vehicle engines;
- (b) "container" means a sealed package containing pre-packed 2-T oil in declared quantity;
- (c) "loose 2-T oil" means 2-T oil which is not contained in a sealed container;
- (d) "National Capital Territory of Delhi" means the National Capital Territory of Delhi as defined in the Government of National Capital Territory of Delhi Act, 1991 (1 of 1992).

**3. RESTRICTION ON SALE AND PURCHASE OF LOOSE 2-T OIL :-**

(1) No person shall sell or agree to sell or otherwise dispose of loose 2-T oil in a service garage for use in 2-stroke engine vehicle of any make;

(2) In petrol stations, 2-T oil shall be sold only pre-mixed with petrol through nozzle:

Provided that the above restriction shall not apply to the 2-stroke engine vehicles having separate sump for 2-T oil provided by the manufacturer in containers for use in the engine of such vehicle through such sumps.

[File No. Q-16014/18/98-CPA]  
VIJAI SHARMA, Jt. Secy.

**WATER QUALITY ASSESSMENT AUTHORITY**  
**MINISTRY OF ENVIRONMENT & FORESTS**

**ORDER**

New Delhi, the 29<sup>th</sup> May, 2001

<sup>1</sup>**S.O.583(E)** – In exercise of powers conferred by sub-section (1) and (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) (hereinafter referred to as the said Act), the Central Government hereby constitutes an authority to be known as 'Water Quality Assessment Authority's consisting of the following members for a period of three years with effect from the date of publication of this notification in the Official Gazette namely:

- |     |   |                    |
|-----|---|--------------------|
| 1.  | Secretary, Ministry of Environment & Forests  | - Chairperson      |
| 2.  | Additional Secretary and Project Director, National River Conservation Directorate, Ministry of Environment & Forests | - Member           |
| 3.  | Chairman, Central Water Commission  | - Member           |
| 4.  | Additional Secretary, Ministry of Water Resources   | - Member           |
| 5.  | Adviser, National River Conservation Directorate, Ministry of Environment and Forests                                 | - Member           |
| 6.  | Joint Secretary, Ministry of Agriculture and Cooperation  | - Member           |
| 7.  | Joint Secretary, Ministry of Urban Affairs and Poverty Alleviation  | - Member           |
| 8.  | Chairman, Central Ground Water Authority  | - Member           |
| 9.  | Chairman, Central Pollution Control Board   | - Member           |
| 10. | Directorate, Indian Agricultural Research Institute, New Delhi  | - Member           |
| 11. | Director, National Environmental Engineering Research Institute, Nagpur   | - Member           |
| 12. | Commissioner (Water Management) Ministry of Water Resources   | - Member Secretary |

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<sup>1</sup> As published in the Gazette of India, Extraordinary, Part II section 3(ii) vide No.418, dated 22.6.2001.



2. The Authority shall exercise the following powers and functions:-

- I. to exercise powers under section 5 of the said Act for issuing directions and for taking measures with respect to matters referred to in clauses (ix), (xi), (xii) and (xiii) of sub-section 2 of section 3 of the Act;
- II. to direct the agencies (Government/local bodies/non-Governmental) for the following
  - (a) to standardize method(s) for water quality monitoring and to ensure quality of data generation for utilization thereof;
  - (b) to take measures so as to ensure proper treatment of wastewater with a view to restoring the water quality of the river/water bodies to meet the designated-best-uses;
  - (c) to take up research and development activities in the area of water quality management;
  - (d) to promote recycling/re-use of treated sewage/trade effluent for irrigation in development of agriculture;
  - (e) to draw action plans for quality improvement in water bodies, and monitor and review/assess implementation of the schemes launched/to be launched to that effect;
  - (f) to draw scheme(s) for imposition of restriction in water abstraction and discharge of treated sewage/trade effluent on land, rivers and other water bodies with a view to mitigating crises of water quality;
  - (g) to maintain minimum discharge for sustenance of aquatic life forms in riverine system;
  - (h) to promote rain water harvesting;
  - (i) to utilize self-assimilation capacities at the critical river stretches to minimize cost of effluent treatment;
  - (j) to provide information to pollution control authorities to facilitate allocation of waste load;
  - (k) to review of status of quality of national water resources (both surface water & groundwater) and identify 'Hot Spots' for taking necessary actions for improvement in water quality;

- (l) to interact with the authorities/committees constituted or to be constituted under the provisions of said Act for matters relating to management of water resources;
  - (m) to constitute/set-up State level Water Quality Review Committees (WQRC) to coordinate the work to the assigned to such committees; and
  - (n) to deal with any environmental issue concerning surface and groundwater quality which may be referred to it by the Central Government or the State Government relating to the respective areas, for maintenance and/or restoration of quality to sustain designated-best-uses.
3. The Authority shall exercise the powers under section 19 of the said Act.
  4. The authority may appoint domain experts for facilitating the work assigned to it.
  5. The Ministry of Water Resources shall create a cell to assist the Authority to carry out the assigned functions.
  6. The authority shall furnish report about its activity at least once in three months to the Ministry of Environment & Forests.

(F.No.J-15011/8/2000-NRCD)  
A.M.GOKHALE, Addl. Secy.

**ENVIRONMENT POLLUTION (PREVENTION AND CONTROL)  
AUTHORITY FOR NATIONAL CAPITAL REGION**

**MINISTRY OF ENVIRONMENT AND FORESTS**

**ORDER**

New Delhi, the 29<sup>th</sup> January, 1998

**S.O. 93 (E).**— In exercise of the powers conferred by sub-sections (1) and (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) (hereinafter referred to as the said Act), the Central Government hereby constitutes an authority to be known as the Environment Pollution (Prevention and Control) Authority for the National Capital Region (hereinafter referred to as the Authority) consisting of the following persons <sup>1</sup>[for a period of eight years] with effect from the date of publication of this Order in the Official Gazette, namely:-

- |     |  |          |
|-----|--|----------|
| (1) | <sup>2</sup> [Shri Bhure Lal<br>Secretary, Coordination and Public Grievances<br>Sardar Patel Bhawan<br>New Delhi – 110001   | Chairman |
| (2) | <sup>3</sup> [Commissioner-cum-Secretary<br>Transport Department,<br>Government of the National<br>Capital Territory of Delhi,<br>Delhi.]  | Member   |
| (3) | Shri Anil Agarwal,<br>Director,<br>Centre for Science and Environment,<br>41, Tughlakabad Industrial Area,<br>(Near Batra Hospital),<br>New Delhi - 110 062  | Member   |
| (4) | Shri Jagdish Khattar,<br>Representative of the Automobile<br>Manufacturers Association of India,<br>Executive Director (Marketing & Sales),<br>Maruti Udyog Limited,<br>11th Floor, Jeevan Prakash<br>25, Kasturba Gandhi Marg,<br>New Delhi - 110 001 | Member   |

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<sup>1</sup> Substituted vide S.O.99(E), dated 28.1.2003.

<sup>2</sup> Substituted, *ibid.*

<sup>3</sup> Substituted, *ibid.*

- |                   |   |          |
|-------------------|---|----------|
| <sup>1</sup> [(5) | Shri N.R.Raje<br>Executive Director, R&D Sector<br>Indian Oil Corporation, Sector – 13<br>Faridabad – 121007, Haryana                           | Member   |
| (6)               | Dr.P.C.Chaubey<br>Additional Professor<br>Hospital Administration<br>All India Institute of Medical Science<br>Ansari Nagar, New Delhi – 110029 | Member   |
| <sup>2</sup> [6A  | Smt. Kiran Dhingra<br>Joint Secretary<br>Ministry of Textiles, Government of India<br>Udyog Bhawan<br>New Delhi – 110011                        | Member   |
| (7)               | Shri D. K. Biswas,<br>Chairman,<br>Central Pollution Control Board<br>Parivesh Bhawan,<br>East Arjun Nagar,<br>Delhi - 110 054]                 | Convenor |

<sup>3</sup>[The terms and conditions of the Chairman, after his superannuation, shall be determined by the Central Government.]

The Authority shall exercise the following powers and perform the following functions for protecting and improving the quality of the environment and preventing, controlling and abating environmental pollution, namely:-

1. exercise the powers under section 5 of the said Act for issuing directions in respect of complaints relating to the violation of an order by any authority or measure specified pertaining to-
  - (i) standards for the quality of the environment in its various aspects,
  - (ii) standards for omission or discharge of environmental pollutants from various sources,

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<sup>1</sup> Substituted vide S.O.99(E), dated 28.1.2003.

<sup>2</sup> Inserted vide S.O.396 (E), dated 3.4.2003.

<sup>3</sup> Inserted vide S.O.99(E), dated 28.1.2003.

- (iii) restriction of areas in which any industries, operations or processes or class of industries or processes shall not be carried out or shall be carried out subject to certain safeguards,
  - (iv) procedures and safeguards for the prevention of accidents which may cause environmental pollution and remedial measures for such accidents,
  - (v) procedures and safeguards for the handling of hazardous substances.
2. The Authority shall have the power to take up matters as mentioned above, suo-moto, or on the basis of complaints made by any individual, representative body or organization functioning in the field of environment. Such complaints may be against any individual, association, company, public undertaking or local body carrying on any industry, operation or process.
  3. The Authority shall, for controlling vehicular pollution, take all necessary steps to ensure compliance of specified emission standards by vehicles including proper calibration of the equipment for testing vehicular pollution, ensuring compliance of fuel quality standards, monitoring and coordinating action for traffic planning and management.
  4. The Authority shall, for ensuring maintenance of the specified ambient noise standards, have the power to issue directions under section 5 of the said Act, including banning or restricting any industry, process or operation emitting noise.
  5. The Authority shall deal with environmental issues pertaining to the National Capital Region which may be referred to it by the Central Government.
  6. The Authority shall monitor the progress of the action plan drawn up by the Ministry of Environment and Forests on pollution in Delhi as contained in the 'White Paper on Pollution in Delhi with an Action Plan', issued by the Central Government on 3<sup>rd</sup> December, 1997.
  7. The Authority shall exercise the powers of entry, inspection, search and seizure under section 10 of the said Act, in respect of any action to be taken under sub-paragraph (1) of the paragraph 2 of this Order.
  8. The Authority shall exercise the power to take samples under section 11 of the said Act, in respect of any action to be taken under sub-paragraph (1) of paragraph 2 of this Order.
  9. The Authority shall exercise the powers under section 19 of the said Act, for making complaints against offences under the said Act and for non-compliance of directions issued by it under sub-paragraph (1) of paragraph 2 of this Order.

10. The Authority shall have jurisdiction over the National Capital Region as defined in clause (f) of section 2 of the National Capital Region Planning Board Act, 1985 (2 of 1985).
11. The foregoing powers and functions of the Authority shall be subject to the supervision and control of the Central Government.
12. The Authority shall furnish a progress report about its activities at least once in two months to the Central Government.
13. The Authority shall have its headquarters in National Capital Region.
- 14(1). Notification of the Government of India in Ministry of Environment and Forests number S.O.704(E), dated the 9<sup>th</sup> October, 1996 consisting the Environmental Impact Assessment Authority for the National Capital Region shall stand superseded (except in respect of things done or omitted to be done before such supersession) from the date of publication of this Order.
- 14(2). Any matter which relates to the powers and functions enumerated in this Order, and pending with the Environmental Impact Assessment Authority shall stand transferred to the Environment Pollution (Prevention and Control) Authority for the National Capital Region constituted under this Order.
- 14(3). Any matter specifically not falling within the scope and jurisdiction of the Authority as so constituted shall be dealt with by the statutory authorities concerned.

[File No. Q-18011/14/90-CPA]  
VIJAY SHARMA, Jt. Secy.

Note:

The principal order was published in the Gazette of India vide number S.O.93(E), dated the 29<sup>th</sup> January, 1998, amended vide S.O. 68(E), dated the 25<sup>th</sup> January, 2000, S.O. 108(E), dated the 25<sup>th</sup> January, 2002, S.O. 99(E), dated 28<sup>th</sup> January, 2003 and S.O.396(E), dated 3<sup>rd</sup> April, 2003.

**TAJ TRAPEZIUM ZONE POLLUTION  
(PREVENTION AND CONTROL) AUTHORITY**

**THE MINISTRY OF ENVIRONMENT & FORESTS**

**ORDER**

New Delhi, the 30<sup>th</sup> April, 2003

**S.O. 489(E).**- In exercise of the powers conferred by sub-section (1) and (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) (hereinafter referred to as the said Act) and in supersession of the order of the Government of India in the Ministry of Environment & Forests, number S.O.350(E), dated 17<sup>th</sup> May, 1999, except as things done or omitted to be done before such supersession, the Central Government hereby re-constitutes the Taj Trapezium Zone Pollution (Prevention and Control) Authority (hereinafter referred to as the Authority), consisting of the following persons, for a period of two years with effect from the date of publication of this Official Gazette, namely:-

- |     |  |               |
|-----|--|---------------|
| 1.  | Principal Secretary/Secretary, Environment Department, Government of Uttar Pradesh | Chairman      |
| 2.  | Commissioner, Agra Division  | Vice Chairman |
| 3.  | Deputy Inspector General of Police, Agra Range                                     | Member        |
| 4.  | Member Secretary, Central Pollution Control Board                                  | Member        |
| 5.  | A representative of the Ministry of Environment & Forests                          | Member        |
| 6.  | A representative of the Ministry of Petroleum and Natural Gas                      | Member        |
| 7.  | A representative of the Archeological Survey of India                              | Member        |
| 8.  | Municipal Commissioner, Agra   | Member        |
| 9.  | District Magistrate, Agra  | Member        |
| 10. | Vice Chairman, Agra Development Authority  | Member        |
| 11. | Member Secretary, Rajasthan Pollution Control Board                                | Member        |
| 12. | A representative of Secretary, Environment, Government of Rajasthan                | Member        |
| 13. | District Magistrate, Bharatpur, Rajasthan  | Member        |
| 14. | Deputy Inspector General of Police, Bharatpur Range                                | Member        |
| 15. | Deputy Chief Wild Life Warden, Bharatpur Birds Sanctuary                           | Member        |

- |     |  |                 |
|-----|--|-----------------|
| 16. | Secretary, Urban Improvement Trust, Bharatpur                  | Member          |
| 17. | Superintending Mining Engineer, Department of Mines, Bharatpur | Member          |
| 18. | Member Secretary, Uttar Pradesh Pollution Control Board        | Member-Convenor |

2. The geographical limits of the Taj Trapezium Zone (see Annexure) is defined in the shape of a trapezoid between 26° 45'N & 77° 15'E to 27° 45'N & 77° 15'E in the West of the Taj Mahal and in the East of Taj Mahal between 27° 00'N & 78° 30'E to 27° 30'N & 78° 30'E, lying in the Agra Division of Uttar Pradesh and in the Bharatpur Division of the State of Rajasthan.

3. The Authority shall, within the geographical limits of Agra Division and Bharatpur Division and the Taj Trapezium Zone in the States of Uttar Pradesh and Rajasthan respectively, have the power to –

- (i) monitor the progress of implementation of various schemes for protection of the Taj Mahal and programmes for protection and improvement of the environment in Taj Trapezium zone;
- (ii) exercise powers under section 5 of the said Act;
- (iii) take all necessary steps to ensure compliance of specified emission standards by motor vehicles and ensuring compliance of fuel quality standards;
- (iv) deal with any environmental issue which may be referred to it by the Central Government or the State Governments of Uttar Pradesh and Rajasthan relating to the Taj Trapezium Zone.

4. The forgoing powers and functions of the Authority shall be subject to the overall supervision and control of the Central Government.

5. The Authority shall be authorized to exercise the powers under section 19 of the said Act.

6. The Authority may co-opt experts for facilitating the work assigning to it.

7. The Authority shall furnish a report about its activities at least once in two months to the Central Government in the Ministry of Environment & Forests.

8. The Authority shall have its headquarter at Agra in the State of Uttar Pradesh.

[ F.No.Z-20018/1/99-CPA)  
C.VISHWANATH, JT. SECY.



**LOSS OF ECOLOGY (PREVENTION AND  
PAYMENT OF COMPENSATION) AUTHORITY**

**MINISTRY OF ENVIRONMENT & FORESTS**

**NOTIFICATION**

New Delhi, the 30<sup>th</sup> September, 1996

**S.O.671(E).**- In exercise of the powers conferred by sub-section (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) hereinafter referred to as the said Act, the Central Government hereby constitutes the Loss of Ecology (Prevention and Payments of Compensation) Authority for the State of Tamil Nadu consisting of the following members for a period of two years and from the date of publication of this notification in the Official Gazette, namely:-

- |     |  |                   |
|-----|--|-------------------|
| (1) | _____  | Chairperson       |
|     | (A retired Judge of the High Court to be appointed<br>by the Central Government) |                   |
| (2) | The Secretary, Government of Tamil Nadu<br>Department of Environment, Chennai    | Member            |
| (3) | The Member Secretary<br>Central Pollution Control Board<br>Delhi                 | Member            |
| (4) | _____  | Member- Secretary |
|     | (a person to be appointed by the Central<br>Government)                          |                   |

2. The Authority shall exercise the following powers and perform the following functions, namely :-

- (i) exercise of powers under section 5 of the said Act, for issuing directions and for taking measures with respect to matters referred to in Clauses (v), (vi), (vii), (viii), (ix), (x) and (xii) of sub-section 2 of section 3 of the said Act;
- (ii) to assess the loss to the ecology and environment in the affected areas and also identify the individuals and families who have suffered because of the pollution and assess the compensation to be paid to the said individuals and families;

- (iii) to determine the compensation to be recovered from the polluters as cost of reversing the damaged environment;
- (iv) to lay down the procedure for actions to be taken under (i) to (iii) above;
- (v) to compute the compensation under two heads, namely, for reversing the ecology and for payment to individuals;
- (vi) to direct the closure of any industry or class of industries owned or managed by a polluter in case of evasion or refusal to pay the compensation awarded against the polluter. This shall be in addition to the recovery from the polluter as arrears of land revenue;
- (vii) to frame scheme or schemes for reversing the damage caused to the ecology and environment by pollution in the State of Tamil Nadu in consultation with expert bodies like National Environment Engineering Research Institute, Central Pollution Control Board, etc. These schemes shall be executed by the State Government of Tamil Nadu under the supervision of the Central Government. The expenditure shall be met from the "Environment Protection Fund" and from other sources provided by the State Government and the Central Government;
- (viii) to view the cases of all the industries which are already operating in the prohibited area and direct the relocation of any of such industries;
- (ix) to close the tanneries permanently or direct their relocation, which have not provided adequate treatment facilities and not having valid certificate from the Tamil Nadu State Pollution Control Board;
- (x) to comply with the orders issued by the Madras High Court and the Supreme Court from time to time;
- (xi) to deal with any other relevant environment issues pertaining to the State of Tamil Nadu, including those which may be referred to it by the Central Government in the Ministry of Environment & Forest.

3. In exercise of its powers as defined in paragraph 2 above, the Authority shall prepare a statement showing the total amount to be recovered, from the polluters mentioning therein the names of the polluters from whom the amount is to be recovered, the amount to be recovered from each polluter, the persons to whom the compensation is to be paid and the amount payable to each of them. The statement shall be forwarded to the Collector/District Magistrates of the area concerned who shall recover the amount from the polluters, if necessary, as arrears of land revenue and shall disburse the compensation awarded by the Authority to the affected persons and families.

4. The Authority shall furnish a progress report about its activities atleast once in two months to the Central Government in the Ministry of Environment & Forests.

5. The Authority shall have its Headquarters at Chennai, Tamil Nadu.

6. The terms and conditions of appointment of the Chairperson and Members shall be as determined by the Central Government from time to time.

[File No.Q-17012/63/91-CPW]  
VISHWANATH ANANAD, Addl. Secretary

**DELEGATION OF POWERS TO THE CHAIRMAN, CENTRAL  
POLLUTION CONTROL BOARD UNDER SECTION 20 OF THE  
ENVIRONMENT (PROTECTION) ACT, 1986**

**MINISTRY OF ENVIRONMENT AND FORESTS**

**NOTIFICATION**

New Delhi, the 10th July, 2002

**S.O. 729(E):** In exercise of the powers conferred by Section 23 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby delegates the powers vested in it under Section 20 of the said Act to the Chairman, Central Pollution Control Board subject to the condition that the Central Government may revoke such delegation of powers or may itself invoke the provisions of the said Section 20, if in the opinion of that Government, such a course of action is necessary in public interest.

[F. No. 1(5)/95-PL]  
K.C. MISRA, Spl. Secy.

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**DELEGATION OF POWERS TO THE CHAIRMAN, CENTRAL  
POLLUTION CONTROL BOARD UNDER SECTION 5 OF THE  
ENVIRONMENT (PROTECTION) ACT, 1986**

**MINISTRY OF ENVIRONMENT AND FORESTS**

**NOTIFICATION**

New Delhi, the 10th July, 2002

**S.O. 730(E):** In exercise of the powers conferred by Section 23 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby delegates the powers vested in it under Section 5 of the said Act to the Chairman, Central Pollution Control Board to issue directions to any industry or any local or other authority for the violation of the standards and rules relating to hazardous waste, bio-medical waste, hazardous chemicals, industrial solid waste, municipal solid waste including plastic waste notified under the Environment (Protection) Act, 1986 subject to the condition that the Central Government may revoke such delegation of powers in respect of all the State Governments or any one of them or may itself invoke the provisions of Section 5 of the Act, if in the opinion of the Central Government such a course of action is necessary in public interest.

[F.No. 1(5)/95-PL]  
K.C. MISRA, Spl. Secy.

## DELEGATION OF POWERS TO THE STATE POLLUTION CONTROL BOARDS/POLLUTION CONTROL COMMITTEES

### MINISTRY OF ENVIRONMENT AND FORESTS

#### NOTIFICATION

New Delhi, the 8<sup>th</sup> January, 1997

**S.O. 23(E).**- In exercise of the powers conferred by Section 23 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby delegates the powers vested in it under Section 5 of the said Act to the Chairman, State Pollution Control Boards/Committees as given in the Table below, to issue directions to any industry or any local or other authority for the violations of the standards and rules relating to hazardous wastes notified under the Environment (Protection) Act, 1986, subject to the conditions that the Central Government may revoke such delegation of powers or may itself invoke the provisions of Section 5 of the said Act, if in the opinion of the Central Government such a course of action is necessary in the public interest:-

**TABLE**

Sl. No.	Name of Board/Committee	Jurisdiction
1	2	3
1.	Andhra Pradesh State Pollution Control Board	Whole of State
2.	Arunanchal Pradesh State Pollution Control Board	Whole of State
3.	Assam State Pollution Control Board	Whole of State
4.	Bihar State Pollution Control Board	Whole of State
5.	Goa State Pollution Control Board	Whole of State
6.	Gujarat State Pollution Control Board	Whole of State
7.	Haryana State Pollution Control Board	Whole of State
8.	Himachal Pradesh State Pollution Control Board	Whole of State
9.	Jammu & Kashmir State Pollution Control Board	Whole of State
10.	Karnataka State Pollution Control Board	Whole of State
11.	Kerala State Pollution Control Board	Whole of State
12.	Maharashtra State Pollution Control Board	Whole of State

13.	Madhya Pradesh State Pollution Control Board	Whole of State
14.	Manipur State Pollution Control Board	Whole of State
15.	Meghalaya State Pollution Control Board	Whole of State
16.	Mizoram State Pollution Control Board	Whole of State
17.	Nagaland State Pollution Control Board	Whole of State
18.	Orissa State Pollution Control Board	Whole of State
19.	Punjab State Pollution Control Board	Whole of State
20.	Rajasthan State Pollution Control Board	Whole of State
21.	Sikkim State Pollution Control Board	Whole of State
22.	Tamil Nadu State Pollution Control Board	Whole of State
23.	Tripura State Pollution Control Board	Whole of State
24.	Uttar Pradesh State Pollution Control Board	Whole of State
25.	West Bengal State Pollution Control Board	Whole of State
26.	Committee, Andaman & Nicobar Union Territory	Whole of U.T.
27.	Committee, Chandigarh Union Territory	Whole of U.T.
28.	Committee, Dadra & Nagar Haveli Union Territory	Whole of U.T.
29.	Committee, Daman & Diu Union Territory	Whole of U.T.
30.	Committee, National Capital Territory of Delhi	Whole of N.C.T.
31.	Committee, Lakshadweep Union Territory	Whole of U.T.
32.	Committee, Pondicherry Union Territory	Whole of U.T.

[No.1(35)/96-PL]  
VIJAY SHARMA, Jt. Secy.

**DELEGATION OF POWERS TO THE STATE POLLUTION CONTROL  
BOARDS/POLLUTION CONTROL COMMITTEES**

**MINISTRY OF ENVIRONMENT AND FORESTS**

**NOTIFICATION**

New Delhi, the 10<sup>th</sup> April, 2001

**S.O. 327(E).**- In exercise of the powers conferred by Section 23 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby delegates the powers vested in it under Section 5 of the said Act to the Chairman, State Pollution Control Boards/Committees as given in the Table below, to issue directions to any industry or any local or other authority for the violations of the standards and rules relating to Bio Medical Waste, Hazardous Chemicals, Industrial Solid Waste and Municipal Solid Waste including Plastic Waste notified under the Environment (Protection) Act, 1986, subject to the conditions that the Central Government may revoke such delegation of powers or may itself invoke the provisions of Section 5 of the said Act, if in the opinion of the Central Government such a course of action is necessary in the public interest:-

**TABLE**

<b>Sl. No.</b>	<b>Name of Board/Committee</b>	<b>Jurisdiction</b>
(1)	(2)	(3)
1.	Andhra Pradesh State Pollution Control Board	Whole of State
2.	Arunachal Pradesh State Pollution Control Board	Whole of State
3.	Assam State Pollution Control Board	Whole of State
4.	Bihar State Pollution Control Board	Whole of State
5.	Goa State Pollution Control Board	Whole of State
6.	Gujarat State Pollution Control Board	Whole of State
7.	Haryana State Pollution Control Board	Whole of State
8.	Himachal Pradesh State Pollution Control Board	Whole of State
9.	Jammu & Kashmir State Pollution Control Board	Whole of State
10.	Karnataka State Pollution Control Board	Whole of State
11.	Kerala State Pollution Control Board	Whole of State

12.	Maharashtra State Pollution Control Board	Whole of State
13.	Madhya Pradesh State Pollution Control Board	Whole of State
14.	Manipur State Pollution Control Board	Whole of State
15.	Meghalaya State Pollution Control Board	Whole of State
16.	Mizoram State Pollution Control Board	Whole of State
17.	Nagaland State Pollution Control Board	Whole of State
18.	Orissa State Pollution Control Board	Whole of State
19.	Punjab State Pollution Control Board	Whole of State
20.	Rajasthan State Pollution Control Board	Whole of State
21.	Sikkim State Pollution Control Board	Whole of State
22.	Tamil Nadu State Pollution Control Board	Whole of State
23.	Tripura State Pollution Control Board	Whole of State
24.	Uttar Pradesh State Pollution Control Board	Whole of State
25.	West Bengal State Pollution Control Board	Whole of State
26.	Committee, Andaman & Nicobar Union Territory	Whole of U.T.
27.	Committee, Chandigarh Union Territory	Whole of U.T.
28.	Committee, Dadra & Nagar Haveli Union Territory	Whole of U.T.
29.	Committee, Daman & Diu Union Territory	Whole of U.T.
30.	Committee, National Capital Territory of Delhi	Whole of N.C.T.
31.	Committee, Lakshadweep Union Territory	Whole of U.T.
32.	Committee, Pondicherry Union Territory	Whole of U.T.

[No.1(35)/96-PL]  
VIJAY SHARMA, Jt. Secy.



## UTILISATION OF FLYASH FROM COAL OR LIGNITE BASED THERMAL POWER PLANTS

### MINISTRY OF ENVIRONMENT AND FORESTS

#### NOTIFICATION

New Delhi, the 14th September, 1999

**S.O.763(E).**- Whereas a draft notification containing rule (3) of rule 5 of the Environment (Protection) Rules, 1986 under the notification of the Government of India in the Ministry of Environment and Forests number S.O. 453(E) dated 22nd May, 1998 inviting objections and suggestions from all persons likely to be affected thereby, before the expiry of the period of sixty days from the date on which the copies of the Gazette of India containing the said notification are made available to the public;

And, whereas, copies of the said Gazette were made available to the public on the same date;

And, whereas, the objections and suggestions received from the public in respect of the said draft notification have been duly considered by the Central Government;

Whereas it is necessary to protect the environment, conserve top soil and prevent the dumping and disposal of fly ash discharged from coal or lignite based thermal power plants on land;

And, whereas, there is a need for restricting the excavation of top soil for manufacture of bricks and promoting the utilisation of fly ash in the manufacture of building materials and in construction activity within a specified radius of <sup>1</sup>[one hundred kilometers] from coal or lignite based thermal power plants;

And, Whereas, the Hon'ble High Court of Judicature, Delhi vide its order dated 25th August, 1999 in CWP No. 2145/99: Centre for Public Interest Litigation, Delhi v/s Union of India directed that the Central Government to publish the final notification in respect of fly ash on or before 26th October, 1999;

Now, therefore, in exercise of the powers conferred by sub-section (1), read with clause (v) of sub-section (2) of section 3 and section 5 of the Environment (Protection) Act, 1986 (29 of 1986); and in pursuance of the orders of the Hon'ble High Court, Delhi stated above, the Central Government hereby issues the following directions which shall come into force on the date of the publication of this notification, namely:-

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<sup>1</sup> Substituted by para 1 of the Notification S.O.979 (E), dated 27.8.2003.

**1. Use of fly ash, bottom ash or pond ash in the manufacture of bricks and other construction activities.-**

(1) No person shall within a radius of <sup>1</sup>[one hundred kilometers] from coal or lignite based thermal power plants, manufacture clay bricks or tiles or blocks for use in construction activities without mixing at least 25 per cent of ash (fly ash, bottom ash or pond ash) with soil on weight to weight basis.

<sup>2</sup>[(1A) Every construction agency engaged in the construction of buildings within a radius of fifty to one hundred kilometres from a coal or lignite based thermal power plant shall use fly ash bricks or blocks or tiles or clay fly ash bricks or cement fly ash bricks or blocks or similar products or a combination or aggregate of them in such construction as per the following minimum percentage (by volume) of the total bricks, blocks and tiles, as the case may be, used in each construction project, namely:-

- (i) 25 per cent by 31<sup>st</sup> August 2004;
- (ii) 50 per cent by 31<sup>st</sup> August 2005;
- (iii) 75 per cent by 31<sup>st</sup> August, 2006; and
- (iv) 100 per cent by 31<sup>st</sup> August 2007.

In respect of construction of buildings within a radius of 50 kilometres from a coal or lignite based thermal power plant the following minimum percentage (by volume) of use of bricks, blocks and tiles shall apply: -

- (i) 50 per cent by 31<sup>st</sup> August 2004;
- (ii) 100 per cent by 31<sup>st</sup> August 2005.

(1B) The provisions of sub-paragraph (1A) shall be applicable to all construction agencies such as Housing Boards and those in the private sector builders of apartments, hotels, resorts and cottages and the like. It shall be the responsibility of the construction agencies either undertaking the construction or approving the design or both to ensure compliance of the provisions of sub-paragraph (1A) and to submit such returns as may be called for and compliance reports to the State Government or Union territory Administration]

<sup>3</sup>[(2) The authority for ensuring the use of specified quantity of ash as per sub-paragraph (1) shall be the concerned Regional Officer of the State Pollution Control Board or the Pollution Control Committee, as the case may be.

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<sup>1</sup> Substituted by para 2 (a) of the Notification S.O.979(E), dated 27.8.2003.

<sup>2</sup> Inserted by para 2 (b), *ibid*.

<sup>3</sup> Substituted by para 2(c), *ibid*.

- (2A) The concerned State Government shall be the enforcing and monitoring authority for ensuring compliance of the provisions of sub-paragraph (1A)].
- (3) In case of non-availability of ash from thermal power plant in sufficient quantities as certified by the said power plant, the stipulation <sup>1</sup>[under sub-paragraph (1)] shall be suitably modified (waived/ relaxed) by the concerned State/Union Territory Government.
- <sup>2</sup>[(3A) A decision on the application for manufacture of fly ash bricks, block, and tiles and similar other fly ash based products shall be taken within thirty days from the date of receipt of the application by the competent authority. A decision on consent to establish the brick kiln shall be taken by the Pollution Control Board or the Pollution Control Committee, as the case may be, within a period of thirty days from the date of receipt of application by it.
- (3B) In case of non-compliance of the provisions of sub-paragraph (1) of paragraph 1, the competent authority, in addition to cancellation of consent order issued to establish the brick kiln, shall move the district administration for cancellation of the mining lease.
- (3C) All authorities sanctioning or renewing any land, soil or clay mining lease shall not grant such lease or extension of lease or renewal to clay brick, block or tile manufacturing unit within a radius of one hundred kilometres of the coal or lignite based thermal power plant in cases where the manufacturer does not mix a minimum of 25 per cent by weight of fly ash or pond ash in the manufacture of bricks or blocks or tiles. The cancellation of mining lease shall be decided by the district administration after giving the holder of such lease an opportunity of being heard. To enable the competent authority to verify the actual use of ash, the thermal power plant shall maintain month-wise records of ash made available to each brick kiln.
- (3D) It shall be sufficient compliance of this notification if within twelve months from the date of issue of this notification, manufacturers of clay bricks, blocks and tiles located within a radius of 50 to 100 kilometres of a coal or lignite based thermal power plant comply with the provisions of sub-paragraphs (1) and (2).]

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<sup>1</sup> Substituted by para 2(d) of Notification S.O.No. 979(E), dated 27.8.2003.

<sup>2</sup> Inserted by para 2(e), *ibid.*

- (4) Each coal or lignite based thermal power plant shall constitute a dispute settlement committee which shall include the General Manager of the thermal power plant and a representative of All India Brick and Tile Manufacture's Federation (AIBTMF) <sup>1</sup>[or a representative of brick kiln owner association, federation, group]. Such a committee shall ensure unhindered loading and transport of ash without any undue loss of time. Any unresolved dispute shall be dealt with by a State/Union Territory level committee to be set up by State/Union Territory Government comprising Member Secretary of the State Pollution Control Board/Pollution Control Committee, representatives of Ministry of Power in the State/Union Territory Government and a representative of AIBTMF <sup>2</sup>[or a representative of local brick kiln owners association, federation, group.]
- <sup>3</sup>(5) No agency, person or organization shall, within a radius of 100 kilometres of a thermal power plant undertake construction or approve design for construction of roads or flyover embankments in contravention of the guidelines/ specifications issued by the Indian Road Congress (IRC) as contained in IRC specification No. SP: 58 of 2001. Any deviation from this direction can only be agreed to on technical reasons if the same is approved by Chief Engineer (Design) or Engineer-in-Chief of the concerned agency or organization or on production of a certificate of "Pond ash not available" from the thermal power plant(s) (TPPs) located within 100 kilometres of the site of construction. This certificate shall be provided by the TPP within two working days from the date of making a request for ash.
- (6) Soil required for top or side covers of embankments of roads or flyovers shall be excavated from the embankment site and if it is not possible to do so, only the minimum quantity of soil required for the purpose shall be excavated from soil borrow area. In either case, the topsoil should be kept or stored separately. Voids created due to soil borrow area shall be filled up with ash with proper compaction and covered with topsoil kept separately as above. This would be done as an integral part of embankment project within the time schedule of the project.
- (7) No agency, person or organization shall within a radius of 100 kilometres of a coal or lignite based thermal power plant allow reclamation and compaction of low-lying areas with soil. Only pond ash shall be used for compaction. They shall also ensure that such reclamation and compaction is done in accordance with the bye-laws, regulations and specifications laid down by the authorities mentioned in sub- paragraph (3) of paragraph 3.]

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<sup>1</sup> Inserted by para 2(f), of Notification S.O.No. 979(E), dated 27.8.2003.

<sup>2</sup> Inserted by para 2(f) of Notification S.O.No.979(E), dated 27.8.2003.

<sup>3</sup> Inserted by para 2(g) of Notification S.O.No.979(E), dated 27.8.2003.

**2. <sup>1</sup>[Responsibilities of Thermal Power Plants].**

<sup>2</sup>[Every coal or lignite based thermal power plant shall take the following steps to ensure the utilisation of ash generated by it, namely: -]

- (1) Every coal or lignite based thermal power plant shall make available ash, for at least ten years from the date of publication of this notification, without any payment or any other consideration, for the purpose of manufacturing ash-based products such as cement, concrete blocks, bricks, panels <sup>3</sup>[or any other material or a combination thereof] for construction of roads, embankments, dams, dykes or for any other construction activity. <sup>4</sup>[The thermal power plants have to ensure availability of fair quantity of ash to each user including brick kilns.]
- (2) Every coal or lignite based thermal power plant commissioned subject to environmental clearance conditions stipulating the submission of an action plan for full utilisation of fly ash shall, within a period of nine years from the publication of this notification, phase out the dumping and disposal of fly ash on land in accordance with the plan. Such an action plan shall provide for thirty per cent of the fly ash utilisation, within three years from the publication of this notification with further increase in utilisation by atleast ten per cent points every year progressively for the next six years to enable utilisation of the entire fly ash generated in the power plant atleast by the end of ninth year. Progress in this regard shall be reviewed after five years.
- (3) Every coal or lignite based thermal power plant not covered by para (2) above shall, within a period of fifteen years from the date of publication of this notification, phase out the utilisation of fly ash in accordance with an action plan to be drawn up by the power plants. Such action plan shall provide for twenty per cent of fly ash utilisation within three years from the date of publication of this notification, with further increase in utilisation every year progressively for the next twelve years to enable utilisation of the entire fly ash generated in the power plant.
- (4) All action plans prepared by coal or lignite based thermal power plants in accordance with sub-para (2) and (3) of para 2 of this notification, shall be submitted to the Central Pollution Control Board, concerned State Pollution Control Board/Committee and concerned regional office of the Ministry of Environment and Forests within a period of six months from the date of publication of this notification.

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<sup>1</sup> Substituted by para 3(a), of Notification S.O.No.979(E), dated 27.8.2003.

<sup>2</sup> Substituted by para 3(b), *ibid*.

<sup>3</sup> Inserted by para 3 (c) (i), *ibid*.

<sup>4</sup> Added by para 3(c) (ii), *ibid*.

- (5) The Central and State Government Agencies, the State Electricity Boards, the National Thermal Power Corporation and the management of the thermal power plants shall facilitate in making available land, electricity and water for manufacturing activities and provide access to the ash lifting area for promoting and setting up of ash-based production units in the proximity of the area where ash is generated by the power plant.
- (6) Annual implementation report providing information about the compliance of provisions in this notification shall be submitted by the 30th day of April every year to the Central Pollution Control Board, concerned State Pollution Control Board/Committee and the concerned Regional Office of the Ministry of Environment and Forests by the coal or lignite based thermal power plants.

**<sup>1</sup>[2A. Utilization of fly ash for reclamation of sea.**

Subject to the rules made under the Environment (Protection) Act, 1986, (29 of 1986) reclamation of sea shall be a permissible method of utilization of fly ash.]

**3. Specifications for use of ash-based products.-**

- (1) Manufacture of ash-based products such as cement, concrete blocks, bricks, panels or any other material or the use of ash in construction activity such as in road laying, embankments or use as landfill to reclaim low lying areas including back filling in abandoned mines or pitheads or for any other use shall be carried out in accordance with specifications and guidelines laid down by the Bureau of Indian Standards, Indian Bureau of Mines, Indian Road Congress, Central Building Research institute, Roorkee, Central Road Research Institute, New Delhi, Building Materials and Technology Promotion Council, New Delhi, Central Public Works Department, State Public Works Departments and other Central and State Government agencies.
- (2) The Central Public Works Department, Public Works Departments in the State/Union Territory Governments, Development Authorities, Housing Boards, National Highway Authority of India and other construction agencies including those in the private sector shall also prescribe the use of ash and ash-based products in their respective schedules of specifications and construction applications, including appropriate standards and codes of practice, within a period of four months from the publication of this notification.

<sup>2</sup>[(2A)All agencies including the Central Public Works Department and State Government agencies concerned with utilization of fly ash for construction purposes shall, within three months from the 1<sup>st</sup> day of September, 2003 make

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<sup>1</sup> Inserted by para 4 of the Notification S.O.No. 979(E), dated 27.8.2003.

<sup>2</sup> Inserted by para 5 of the Notification S.O.979(E), dated 27.8.2003..

provisions for the use of fly ash and fly ash based bricks, blocks or tiles or aggregates of them in the schedule of approved materials and rates.

(2B) All agencies undertaking construction of roads or fly over bridges including Ministry of Road Transport and Highways (MORTH), National Highways Authority of India (NHAI), Central Public Works Department (CPWD), State Public Works Departments and other State Government Agencies, shall, within three months from the 1<sup>st</sup> day of September, 2003 –

- a. make provisions in their tender documents, schedules of approved materials and rates as well as technical documents, including those relating to soil borrow area or pit as per sub-paragraph (7) of paragraph 1; and
- b. make necessary specifications/guidelines for road or fly over embankments that are not covered by the specifications laid down by the Indian Road Congress (IRC).]

(3) All local authorities shall specify in their respective building bye-laws and regulations the use of ash and ash-based products and construction techniques in building materials, roads, embankments or for any other use within a period of four months from the date of publication of this notification.

[F. No. 16-2/95-HSMD]  
V RAJAGOPALAN, Jt. Secy.

**Footnote.** - The principal notification was published in the Gazette of India, Part II, Section 3, sub-section (ii) vide S.O.763 (E) dated 14.9.1999.