

POLICY, LEGAL AND ADMINISTRATIVE FRAMEWORK

3.1 Country’s Policy Framework

The National policy framework has been developed to complement the legislative provisions. There are a number of environmental, social, sanitation, Health and Hygiene sector policies in the country. Only most relevant national environmental and social policy which is applicable to the project has been captured in the section as listed in **Table 3.1**.

Table 3.1 Relevant National Environmental and Social Policy Framework

S.No	Policy	Coordinating Agency	Principal Focus of the Policy
1	National Environment Policy (NEP) 2004	MoEF	Conservation of Critical Environmental Resources, Intra-generational Equity: Livelihood Security for the Poor, Inter-generational Equity, Integration of Environmental Concerns in Economic and Social Development.
2	National Water Policy, 2002	National Water Board	To develop, conserve, utilize and manage Water Resources of the Country in sustainable manner,
3	National Forest Policy, 1988	MoEF	Increase productivity & quality of forests and bring all degraded and denuded lands under afforestation programs.
4	Policy Statement for abatement of Pollution 1992	MoEF	Integrates environmental considerations into decision making. Protection on critically polluted areas and river stretches; and involve the community in decision-making.
6	Environment Action Program in 1993.	MoEF	The program aims at improving the environmental services in India and facilitating integration of environmental considerations in developmental programs across different sectors.
7	Wild Life conservation strategy 2002	MoEF	Assigns priority sector to wildlife and forests and outlines measures for protecting wild life and enhancing the quality of forest areas in the country
8	The National Conservation Strategy and Policy	MoEF	Includes guidelines for integrating environmental considerations into India’s process of development. Stipulates that projects of certain

S.No	Policy	Coordinating Agency	Principal Focus of the Policy
	Statement on Environment and Development		category must be implemented after prior environmental clearance.

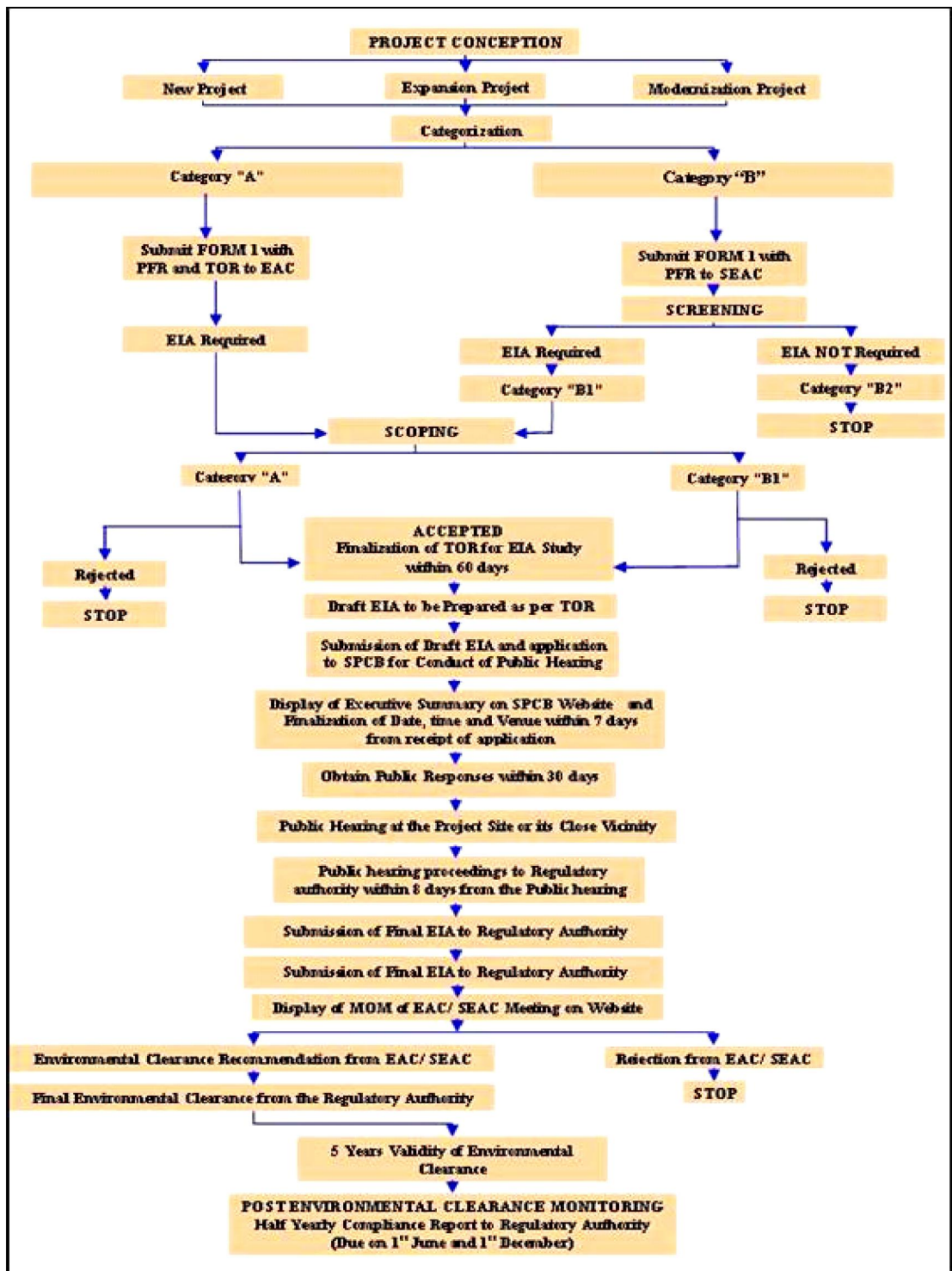
3.2 Country’s Legal Framework and Regulatory Requirements

The legal framework of the country consists of several acts, notifications, rules and regulations to protect environment and wildlife. Review of Indian legal system has been critically reviewed to identify its applicability to the project. A list of all required clearances/ permissions related to environment has been summarised in Table 3.2.

Table 3.2: Permissions/Clearances Required for the Sub-Project

S.No	Clearances	Acts/Rules/Notifications/ Guidelines	Concerned Agency	Responsibility
A. Pre-construction Stage				
1	Consent to Establish / No Objection Certificate	Under section 25/26 of The Water (Prevention & Pollution) Act, 1974 and Section 21 of the Air (Prevention & Control of Pollution) Act, 1981	Mizoram Pollution Control Board	MPCB/DSMC
	Application for obtaining authorization	MSW(MH) rules-2000 [see rules 4(2) & 6(2)]	Mizoram Pollution Control Board	MPCB/DSMC
2	Environmental Clearance	EIA Notification, 2006 and as amended upto date promulgated under Environment Protection Act 1986	MoEF New Delhi as State Environmental Impact Assessment Authority (SEIAA) is not constituted.	SIPMIU/DSMC
B. Implementation Stage				
4	Permission for Withdrawal of Ground Water	Environment Protection Act 1986	Central Ground Water Authority	Contractor
5	Permission for Withdrawal of Surface Water from River/ Irrigation Canals	-----	Irrigation Authorities for use of water from Irrigation Canal.	Contractor 1. To the Extent Possible Ground

S.No	Clearances	Acts/Rules/Notifications/ Guidelines	Concerned Agency	Responsibility
			River Board / Authorities for withdrawal of water from Rivers	Water will be used.
6	Permission for Sand Mining from river bed	Mines and Minerals (Regulation and Development) Act, 1957 as amended in 1972	River Board Authorities/ Department of Mining Govt. of Jharkhand	Contractor
7	Permission for Opening of New Quarry		Department of Mining Govt. of Mizoram / Mizoram Pollution Control Board	Contractor
8	Hot mix plant, Crushers, Batching Plant	Air (Prevention and Control of Pollution) Act 1981	Mizoram Pollution Control Board	Contractor
9	Storage of Hazardous Chemicals	Hazardous Waste (Management and Handling) Rules 1989 and Manufacturing Storage and Import of Hazardous Chemicals Rules 1989	Mizoram Pollution Control Board	Contractor
10	Disposal of Hazardous Waste	Hazardous Waste (Management and Handling) Rules 1989	Mizoram Pollution Control Board	Contractor
11	Disposal of Construction Waste & liquid effluent from Labour camps	Water (Prevention and Control of Pollution) Act 1974	Mizoram Pollution Control Board	Contractor
13	Pollution Under Control Certificate	Central Motor and Vehicle Act 1988	Department of Transport, Govt. of Mizoram	Contractor
14	Employing Labour/workers	The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996,	District Labour Commissioner	Contractor



3.3 Environmental Clearance Process

The procedure for obtaining environmental clearance has been depicted as 3.3.

3.4 Cross Sectoral Coordination and Other Permissions

In addition to above permissions and clearances, the cross sectoral coordination with various departments need to be taken up prior to actual implementation of the project and obtain necessary permissions/clearances from

- Electricity Board and Telephone Department
- Other utility organizations e.g. oil pipelines etc.

3.5 Relevant Guidelines/Specifications

- Technical Guidance EIA Manual for Common Municipal Solid Waste Management Facility prepared by IL&FS for MoEF.
- Municipal Solid Wastes (Management & Handling) Rules, 2000 (MSW Rules 2000) of Central Pollution Control Board.
- The factories act 1956 for hygiene and safety requirements of construction workers
- Other relevant codes of Bureau of Indian Standard (BIS) and National Building Codes

3.6 Administrative Structure and the Interactive framework

The Government through specific legislations regulates the environmental management system in India. The MoEF and the pollution control boards (CPCB i.e. Central Pollution Control Board and SPCBs i.e. State Pollution Control Boards) together form the regulatory and administrative framework. Other Ministries/Statutory Bodies/departments are also responsible for ensuring environmental compliance and granting various clearances.

3.7 Ministry of Environment and Forests (MOEF)

The primary responsibility for administration and implementation of the Government of India's policy with respect to environmental management, conservation, ecologically sustainable development and pollution control rests with the Ministry of Environment and Forests (MoEF). Established in 1983, MoEF is the agency primarily responsible for the review and approval of EIA pursuant to GOI legislation.

3.8 MOEF Regional Offices

The Ministry of Environment and Forests has set up regional offices, in the six regions of the country. The regional office for the present project is located at Bhopal. This office

is responsible for collection and furnishing of state information relating to EIA of projects, pollution control measures, status of compliance of various conditions in projects cleared by MoEF, legal and enforcement measures and environmental protection in special conservation areas such as wetlands, and other biological reserves.

3.9 Central Pollution Control Board (CPCB)

CPCB is a statutory authority attached to the MoEF and located in New Delhi. The main responsibilities of CPCB include inter alia the following

- Plan and implement water and air pollution monitoring programs;
- Advise the Central Government on water and air pollution monitoring programs;
- Set air and water standards; and
- Co-ordinate with the State Pollution Control Boards.

3.10 State Pollution Control Boards (SPCB)

The Mizoram Pollution Control Board (MPCB) will be the government agency responsible for ensuring the compliance with the relevant standards related to discharge of pollutant into the environment. The following activities of the MPCB will be relevant to the project.

- Planning and executing state level air and water quality initiatives;
- Advising state government on air, water and industry issues;
- Establishing standards based on National Minimum standards;
- Enforcing monitoring of all activities within the state under The Air Act, The Water Act and the Cess Act etc.; and
- Issuing No Objection Certificate (NOC) for various developmental projects.

3.11 Department of Forest (DoF) Government of Mizoram

The department of forests, Govt. of Mizoram is responsible for the management and administration of forest resource in the state. The project site is not located on Govt. forest land and within 10 km of radius no reserve forest or any protected forest. The proposed project site is partly on private forest land and permission for removal of tree is required from forest department.
