

F. No. 3-70/2020-IA.III [141127]
Government of India
Ministry of Environment, Forest and Climate Change
(IA Division)

Indira Paryavaran Bhawan
Jor Bagh Road, Aliganj,
New Delhi - 110003

Dated: 12th July, 2023

OFFICE MEMORANDUM

Subject: Clarification on the exemption from EC provided vide Notification S.O. 1224 (E) dated 28.03.2020 for dredging and de-silting of dams, reservoirs, weirs, barrages, river and canals for the purpose of their maintenance, upkeep and disaster management - reg.

The Ministry, vide Notification S.O. 1224 (E) dated 28.03.2020, amended the appendix IX of EIA Notification to inter-alia provide exemption from Environmental Clearance (EC) for "*Dredging and de-silting of dams, reservoirs, weirs, barrages, river and canals for the purpose of their maintenance, upkeep and disaster management.*"

2. Subsequently, the above mentioned Notification was challenged before the National Green Tribunal, Principal Bench in Original Application No. 190/2020 in the matter of Noble M. Paikada Vs. Union of India & Ors., wherein the Hon'ble Tribunal while disposing of the application vide order dated 28.10.2020, *inter-alia* held that "*.....the exemption should strike balance and instead of being blanket exemption, it needs to be hedged by appropriate safeguards such as the process of excavation and quantum...*" and directed to revisit the impugned notification dated 28.03.2020.


3. Subsequently, the Ministry of Jal Shakti, Department of Water Resources, River Development and Ganga Rejuvenation in consultation with the MoEF&CC issued the National Framework for Sediment Management. The document deals with the issue of environmental safeguards pertaining to desilting/ dredging of dams, reservoirs etc.

4. The above mentioned framework was referred to the concerned Expert Appraisal Committee (EAC) for deliberation. After due deliberation, the EAC opined that the framework addresses the environmental concerns associated with the sediment management practices in dam/reservoirs/barrages in a comprehensive and holistic manner.

5. Based on the recommendations of the EAC and keeping in view the direction of Hon'ble NGT, the matter has been examined by the Ministry in detail and it is hereby directed that the exemption from EC provided vide S.O. 1224 (E) dated 28.03.2020 for dredging and desilting of dams, reservoirs, weirs, barrages, river and canals shall be subject to Environmental Safeguards as proposed in the National Framework for Sediment Management (*copy enclosed*) issued by the Ministry of Jal Shakti, Department of Water Resources, River Development and Ganga Rejuvenation as enclosed to this Office Memorandum.

6. This is issued with the approval of the Competent Authority.

Encl: as above.


(Sundar Ramanathan)
Scientist 'E'

To

1. Chairman, Central Pollution Control Board (CPCB)
2. Chairman and Member Secretaries of SEIAA/ SEACs
3. Chairpersons/Member Secretaries of all SPCBs/UTPCCs
4. All the Officers of I.A. Division

Copy for information to:

1. PS to Hon'ble Minister for Environment, Forest and Climate Change
2. PS to Hon'ble MoS (EF&CC)
3. PPS to Secretary (EF&CC)
4. PPS to DGF&SS (EF&CC)
5. PPS to AS(TK)/PPS to JS (SKB)
6. Website, MoEF&CC/Guard file