

**MINUTES OF THE 5<sup>th</sup> JOINT MEETING OF STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY (SEIAA) AND STATE LEVEL EXPERT APPRAISAL COMMITTEE (SEAC), JHARKHAND HELD ON 27<sup>th</sup> MARCH, 2018**

The 5<sup>th</sup> Joint Meeting of State Level Environmental Impact Assessment Authority (SEIAA) and State Level Expert Appraisal Committee (SEAC), Jharkhand was held on 27<sup>th</sup> March, 2018. The following members were present:

**SEIAA**

1. Sri S.C. Narayan - Member
2. Sri Y. K. Das - Member Secretary

**SEAC**

1. Sri K. P. Bhawsinka - Chairman
2. Dr. B. K. Tewary - Member
3. Dr. R. N. Singh - Member
4. Sri S. P. Sriwastava - Member
5. Sri Y. K. Singh - Member
6. Dr. R.V. Singh - Member
7. Dr. V. P. Sinha - Member
8. Sri Om Prakash - Member Secretary

**A. Joint meeting of SEIAA & SEAC with Industry Deptt. & Municipal Corporations.**

At the inception, in the scheduled joint meeting of SEIAA & SEAC, deliberation with the Director, Industries, Directorate of Industries, Deptt. of Industries, Mines & Geology, Govt. of Jharkhand and Municipal Commissioner & their representative was done on some important issues, especially effective implementation of EIA Notification, 2006 *vis-a-vis* Ease of doing Business of Govt. of Jharkhand.

The Director, Industries, Directorate of Industries, Deptt. of Industries, Mines & Geology, Govt. of Jharkhand has raised following issues to be taken up by SEIAA & SEAC -

**(i) Queries to be raised in SEAC meeting, reg. :**

SEAC Chairman / members should seek mandatory documents and raise technical queries in one go, while appraising the projects under EIA notification, 2006, as per the guidelines of MoEF & CC notification no 22-154-1A/2015-1A dated 10<sup>th</sup> November, 2015 and normally further queries (esp. trivial one) should be avoided in subsequent meetings. SEIAA & SEAC agreed to follow the said guideline, as far as possible.

**(ii) Periodicity of meeting and uploading of "minutes".**

Meeting of SEAC, Jharkhand is normally convened every month. However, depending upon availability of projects for appraisal and urgency, frequency and date of meeting is being decided. SEIAA & SEAC has agreed to fix SEAC meeting, in normal course on

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3<sup>rd</sup> week of Monday and Tuesday of every month. SEIAA has assured that minutes of meeting would be uploaded in time.

**(iii) Helpdesk for Project Proponent.**

Presently, the provision of Secretariat for SEIAA & SEAC, as stipulated in EIA notification & State Govt. Resolution, could not be materialised by the Govt. of Jharkhand and accordingly, the office of SEIAA & SEAC is running on contractual or daily wage staffs. Hence, it is not possible to create Helpdesk for the Project Proponents / consultants for online/ offline grievance/query redressal mechanism. However, some *ad hoc* arrangement would be made.

**(iv) Proposal submission to members of SEAC**

It is expected that the proposal (Form 1, PFR and plan etc) in soft and hard copy should be provided by the Project Proponent to members of SEAC, at least 07 days in advance of the schedule meeting for perusal and proper appraisal of the project.

**(v) To provide guidelines for appraisal of the proposal to, DEIAA & DEAC :**

It has been unanimously decided to request all the DC-cum-Chairman, DEIAA of different districts in the State to organize a joint meeting / workshop of DEIAA and DEAC in every district, wherein SEIAA & some members of SEAC would provide technical guidelines to deal with the Environmental Clearance process.

**B. Clarification on Building Construction & Township Area Development Projects:-**

The matter was discussed in the meeting along with the Municipal Commissioners or their representatives present. Presently, no clear cut guideline has either been framed by MoEF & CC pertaining to the said issue or otherwise, not in the acquaintance of SEIAA & SEAC.

Hence, it would be on the safer side for concerned Municipal Corporation to grant approval of Building Construction & Township Area Development Projects, as per the prevalent law of the land, subject to other statutorily mandatory clearance viz, Environmental Clearance / Forest Clearance etc.

Let the "minutes" of the meeting be sent to concerned officials of respective Deptt. / Corporation for needful.

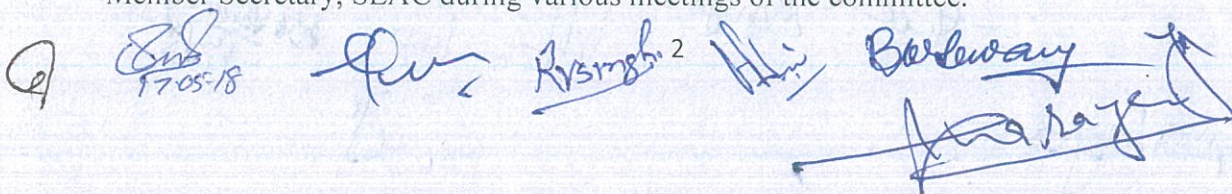
**C. Joint meeting of SEIAA & SEAC**

**1. 53<sup>rd</sup> MOM of SEAC, Jharkhand.**

The hand-written addition by Chairman, SEAC in the final & signed "minutes" of the 53<sup>rd</sup> meeting of SEAC, next day of its finalization was discussed and the said "additions" was included with minor amendments, with a word of caution to avoid such practice in future. The final printed and signed "minutes" was forwarded to the SEIAA for needful.

**2. Decision on Vice Chairman in SEAC, Jharkhand.**

The matter was discussed in the meeting and it was found that Chairman SEAC has not, so far nominated the "Vice chairman", a mandatory provision as per EIA notification, 2006, in spite of the fact that said issue has been raised several times by the Members, SEAC as well as Member Secretary, SEAC during various meetings of the committee.

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The Chairman, SEAC comes from State of Bihar, Patna. In case of exigency, as it happened in 45<sup>th</sup> meeting of SEAC, the Chairman, SEAC could not turn up in the scheduled meeting, on some pretext or other and he after perusal of "minutes", even refused to put his signature, leading to "minutes" becoming infructuous. After repeated request by members, he put his signature and finally the "minutes" could be sent to SEIAA for needful, approximately after 03 months.

The said incidence was unfortunate, as well as detrimental to the development of State of Jharkhand, so far as inordinate delay in sanctioning of EC is concerned.

The joint committee, accordingly has decided that the Chairman, SEAC would be advised to nominate the Vice Chairman among the members of SEAC, on the basis of their experience & competence, preferably within 15 days, as per the provision stipulated in EIA notification, for smooth functioning of the appraisal process.

### 3. Decision on salary of Computer Operator in SEIAA and SEAC, Jharkhand.

The SEIAA and SEAC, Jharkhand have been functioning through the contractual & daily wage skilled, semi-skilled and unskilled staffs. The said *ad hoc* staffs are paid salary / wages, as per notifications / resolutions issued & revised from time to time by the Govt. of Jharkhand and subsequent to its adoption by the SEIAA/SEAC. The latest revision of wages of the computer operator and other staffs was made by SEIAA/SEAC, as per the Finance Deptt., Govt. of Jharkhand letter no. 2177, dated 28.07.2015.

Some of the staffs are really working to the satisfaction of SEIAA/SEAC officials. They are certainly a helping hand to the Member Secretaries of both the SEIAA & SEAC, who being in Forest Services in Govt. of Jharkhand, are *ex officio* members.

A proposal for revision of the salary of Computer operator in SEIAA/ SEAC was discussed and agreed to recommend the revised wages, as per the recent notification of Finance Deptt., Govt. of Jharkhand notification no. 12/s-misc-11/14, 1965 dated 02.06.2017, after due deliberation with competent authorities.

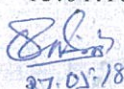

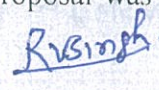
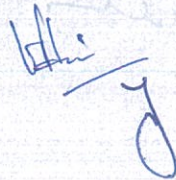
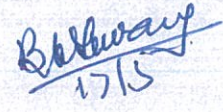
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SEIAA/SEAC have been functioning with bare minimum manpower, whereas the intricacy of the technicalities require Environmental Science graduate, trained & experienced personnel to process the projects for smooth & fast appraisal. Due to lack of requisite no. of trained & experienced personnel, functioning of SEIAA/SEAC has been adversely affected.

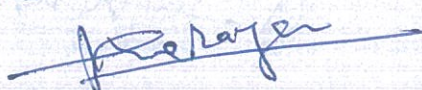
The Govt. of Jharkhand has been requested a no. time. It would be taken up personally with the State govt. to pursue the said issue in order to establish the stipulated Secretariat for the SEIAA/SEAC, in the right earnest.

### 5. Common Bio-Medical Treatment facility of M/s Bio-Genetic Laboratory Pvt. Ltd. at Chhota Pichhri, P.O.: Kalyanpur, Barwadda, Dist.: Dhanbad.

The M/s Bio-Genetic Laboratory Pvt. Ltd., Dhanbad has applied online for seeking of ToR on 20.12.2017. SEIAA sought clarification for some shortcomings from the M/s Bio-Genetic Lab on 09.01.18 and the proposal was resubmitted by the M/s Bio-Genetic Lab on 15.01.18.

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The M/s Medicare Environmental Management Pvt. Ltd., plot no. A-7, Phase II, Sindri Industrial Area, Dhanbad” has filed online application for ToR on 28.06.2017. SEIAA made queries on 13.07.2017 & 29.08.2017, which were compiled by the M/s Medicare EMPL on 20.07.2017 & 15.11.2017. The proposal was referred to SEAC for appraisal on 16.11.2017. SEAC recommended for grant of ToR to M/s Medicare EMPL and forwarded it to SEIAA vide MoM dated 27-28.03.18.

In the meantime, M/s Bio-Genetic Laboratory Pvt. Ltd., Dhanbad, filed a representation before SEIAA on 12.02.2018, praying that application of M/s Medicare EMPL should not be processed. The M/s Bio-Genetic Lab claims that it had been granted NOC by JSPCB to establish the CBWTF at Chhota Pichhri at Dhanbad vide Ref. no. N 150 dated 11.08.2006 for a period of six months from the date of issue. Subsequently, the Regional office of JSPCB, Dhanbad issued a authorization for operating of CBWTF to the said M/s Bio-Genetic Lab. vide memo no. 872 dated 17.07.2008 for 01 year, with the condition to comply the provisions of Environmental (Protection) Act, 1986.

It is pertinent to mentioned that M/s Bio-Genetic Lab was granted CTE on 11.08.2006 for 06 months and CTO on 17.07.2008 for 01 year with a condition that it would comply the provisions of E (P) Act, 1986. The M/s Bio-Genetic Lab has applied for ToR only on 20.12.2017 and till that date neither CTE was valid nor CTO was valid. At the same time, the M/s Bio-Genetic Lab has not complied the provisions of E (P) Act, 1986, as it has not filed the pre-requisite application for ToR/EC, even after more than 10 years of getting the CTE/CTO.


Thus, it is amply clear that when M/s Medicare EMPL had applied for ToR on 28.06.2017, at that point of time, the M/s Bio-Genetic Lab has got no vested right to claim for establishment of CBWTF over M/s Medicare EMPL.

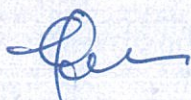
The aforesaid issue of M/s Bio-Genetic Lab was discussed in the joint meeting, in the light of MoEF & CC notification no GSR 343(E) dated 28.03.2016, Bio-Medical Waste Management Rules, 2016 clause 7 (3) and Hon’ble NGT order dated 10.10.2017, in O.A. no. 620/17 Amit Attri vs. State of Haryana &Ors., wherein it has been stipulated that no occupier shall establish on-site Common Bio-medical Waste Treatment and disposal facility, if a service of CBWTF is available within a distance of 75 km.

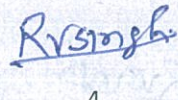
The relevant part of the judgment of Hon’ble NGT is as under :

*“The SEAC and HSPCB in Haryana should adhere to the CPCB guidelines for Common Bio-Medical Treatment Facility while permitting new Common Bio-Medical Treatment Facility in Haryana State. A new CBWTF in Mewat area shall not be permitted if Mewat area is already covered by the existing CBWTFs.”*

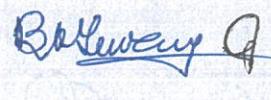
On the basis of fact that in the month of June 2017, the M/s Medicare EMPL has already legally entered in the arena by applying for ToR, at that point of time the M/s Bio-Genetic Lab Pvt. Ltd. was neither operative nor has got valid CTE/CTO (expired 10 years back), thus, has got no vested legal right to establish and operate CBWTF over M/s Medicare

  
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EMPL, due to the rider of 75 Km., the joint committee, accordingly decided to turn down the said request of M/s Bio-Genetic Lab Pvt. Ltd.

**6. Decision on District Survey Report.**

The matter was discussed in the joint meeting in light of S.O 141 (E) dated 15.01.2016 of MoEF & CC, regarding District Survey Report (DSR) and various decision of authority. In this regard it was observed that District Level Environment Impact Assessment Authority (DEIAA), Pakur, Garhwa and Bokaro has forwarded a copy of District Survey Report (DSR) to this office after following the due process and uploaded the same in the public domain. The meeting decided that all the projects related to minor minerals of above districts, pending before the SEIAA, since the DSRs were not prepared at that point of time, be forwarded to SEAC, for appraisal & needful. The DSRs of rest of the DEIAAs, if received in SEIAA, projects related with the said DSRs, too be forwarded to SEAC for needful.

The Member Secretary, SEIAA/SEAC requested the SEAC members to co-operate with the different DEIAAs, provide them technical expertise to expedite and complete the preparation of DSR of the concerned districts.

**7. Enhancement of Honorarium /Sitting allowance of the SEIAA/ SEAC members.**

SEIAA / SEAC members are still being paid the sitting allowance fixed 04 years ago. The said sitting charge is felt to be very low and does not commensurate with the intellectual input the members provide, their experience as highly placed technical experts in several govt. organizations and quality time provided by them.

The proposal for enhancement of the sitting charge has been deliberated in the MoEF & CC workshop held at Kolkata on 21.03.2018, wherein the senior officials of the MoEF & CC advised all the State agencies to execute the sitting charge, as is presently prevalent in the MoEF & CC, i.e. EAC.

The committee discussed the issue and recommended to forward a proposal for enhancement of sitting charge, as prevalent in the MoEF & CC, to the Govt. of Jharkhand for needful.

**The meeting concluded with vote of thanks.**

Member  
SEIAA

Member Secretary  
SEIAA

Chairman  
SEAC

Member  
SEAC

Member  
SEAC

Member  
SEAC

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At the inception, in the scheduled joint meeting of SEIAA & SEAC, deliberation with the Director, Industries, Directorate of Industries, Deptt. of Industries, Mines & Geology, Govt. of Jharkhand and Municipal Commissioner & their representative was done on some important issues, especially effective implementation of EIA Notification, 2006 *vis-a-vis* Ease of doing Business of Govt. of Jharkhand.

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3<sup>rd</sup> week of Monday and Tuesday of every month. SEIAA has assured that minutes of meeting would be uploaded in time.

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The aforesaid issue of M/s Bio-Genetic Lab was discussed in the joint meeting, in the light of MoEF & CC notification no GSR 343(E) dated 28.03.2016, Bio-Medical Waste Management Rules, 2016 clause 7 (3) and Hon’ble NGT order dated 10.10.2017, in O.A. no. 620/17 Amit Attri vs. State of Haryana &Ors., wherein it has been stipulated that no occupier shall establish on-site Common Bio-medical Waste Treatment and disposal facility, if a service of CBWTF is available within a distance of 75 km.

The relevant part of the judgment of Hon’ble NGT is as under :

*“The SEAC and HSPCB in Haryana should adhere to the CPCB guidelines for Common Bio-Medical Treatment Facility while permitting new Common Bio-Medical Treatment Facility in Haryana State. A new CBWTF in Mewat area shall not be permitted if Mewat area is already covered by the existing CBWTFs.”*

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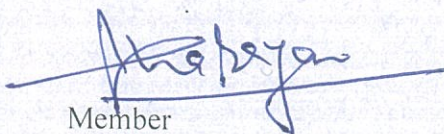
**7. Enhancement of Honorarium /Sitting allowance of the SEIAA/ SEAC members.**


SEIAA / SEAC members are still being paid the sitting allowance fixed 04 years ago. The said sitting charge is felt to be very low and does not commensurate with the intellectual input the members provide, their experience as highly placed technical experts in several govt. organizations and quality time provided by them.

The proposal for enhancement of the sitting charge has been deliberated in the MoEF & CC workshop held at Kolkata on 21.03.2018, wherein the senior officials of the MoEF & CC advised all the State agencies to execute the sitting charge, as is presently prevalent in the MoEF & CC, i.e. EAC.

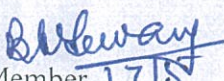
The committee discussed the issue and recommended to forward a proposal for enhancement of sitting charge, as prevalent in the MoEF & CC, to the Govt. of Jharkhand for needful.

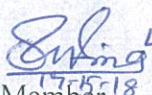
**The meeting concluded with vote of thanks.**

  
Member  
SEIAA

  
Member Secretary  
SEIAA

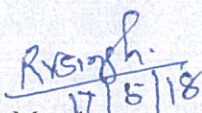
Chairman  
SEAC

  
Member  
SEAC

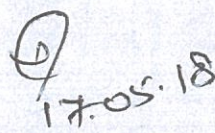
  
Member  
SEAC

  
Member  
SEAC

  
Member  
SEAC

  
Member  
SEAC

Member  
SEAC

  
Member Secretary  
SEAC



