

CHAPTER

7

Post Environment Clearance Monitoring by Regional Offices

7.1 Introduction

Environmental Clearance (EC) is accorded along with conditions to be complied with by the PPs. The monitoring of the EC conditions is required to be done by the Regional Offices (ROs) of MoEF&CC to ensure adequacy of the suggested safeguards and also to undertake mid-course corrections required, if any.

MoEF&CC had set up five ROs in 1986 at Bengaluru, Bhopal, Bhubaneswar, Lucknow and Shillong with a Headquarter unit at New Delhi to monitor and evaluate ongoing forestry development projects. In view of the increasing work relating to all aspects of environmental management including pollution control and environmental management of projects, the ROs were further strengthened in 1988 by opening the sixth Regional Office at Chandigarh.

In the case of Lafarge Umiam Mining (August 2011), the Hon'ble Supreme Court of India directed the Central Government to increase the number of ROs from six to 10 to facilitate more frequent inspections and in-depth scrutiny and appraisal of the proposals. In compliance, four new ROs were opened (March 2013) at Chennai, Dehradun, Nagpur and Ranchi.

The monitoring cell of MoEF&CC at New Delhi is responsible for supervision and coordination of all the functions assigned to the ROs.

7.2 Mandate of ROs

MoEF&CC's resolution (January 2014) regarding the mandate of the ROs for Environmental Management and Pollution Control functions, *inter alia*, contains following functions:

- a. To follow up implementation of conditions and safeguards laid down for projects when environmental clearance was given;
- b. To examine and analyse the six monthly progress reports received from the PPs;
- c. To undertake surprise and random checks/verifications of EC conditions of various projects by site visits;
- d. To collect and furnish information relating to environmental impact assessment of projects, pollution control measures, methodology and status, legal and enforcement measures, environmental protection for special conservation areas like wetlands, mangroves and biosphere reserves;
- e. To maintain liaison and provide linkage with the State Governments and other stakeholders.

7.3 Non-submission of half yearly compliance report by PPs

As per EIA Notification 2006, PPs were to submit half-yearly compliance reports in respect of the stipulated EC conditions in hard and soft copies to the ROs/SPCBs concerned on 1st June and 1st December of each calendar year. In the event of non-submission of six monthly compliance reports by PPs, MoEF&CC could take action as deemed fit under the provisions of the Environment Protection Act, 1986.

The RO wise details of half yearly reports due and submitted by PP, out of the 352 projects selected in audit is given in Table 7.1.

Table 7.1: Submission of half yearly Compliance Report (CR)

Regional office	1st Jun 2011		1st Dec 2011		1st Jun 2012		1st Dec 2012		1st Jun 2013		1st Dec 2013		1st Jun 2014		1st Dec 2014		1st Jun 2015		1st Dec 2015*	
	D	R	D	R	D	R	D	R	D	R	D	R	D	R	D	R	D	R	D	R
1. Bengaluru	29	6	30	3	31	7	32	7	32	7	33	10	33	10	33	8	33	12	33	10
2. Bhopal	Out of 48, in 22 cases CR not received even once, in 26 case CRs were received for intermittent period.																			
3. Bhubaneswar	37	13	41	16	45	21	47	22	48	27	48	26	48	28	48	25	48	27	48	0
4. Chennai	39	2	39	1	39	4	39	5	39	3	39	11	39	9	39	1	39	9	39	4
5. Chandigarh	26	6	29	7	29	12	30	10	30	13	30	13	30	13	30	13	30	11	30	7
6. Dehradun	11	2	13	6	14	7	14	6	15	9	15	7	15	9	15	6	15	8	15	8
7. Lucknow	21	9	21	9	25	11	29	12	30	9	32	13	32	13	32	11	32	10	32	11
8. Nagpur	Out of 46, in 15 cases CR not received even once, in 31 case CRs were received for intermittent period.																			
9. Ranchi	19	7	24	6	27	12	31	14	31	17	31	14	31	14	31	16	31	15	31	0
10. Shillong	20	10	23	5	24	8	28	14	30	16	30	22	30	21	30	16	30	17	30	19

(D)- Half yearly reports due, (R) Half yearly reports received, * the position of half yearly report received has been shown at the time of audit (December 2015)

The above table shows that there was shortfall of 43²⁸ to 78²⁹ per cent (with reference to compliance reports of June 2015) in submission of half yearly compliance reports. Further, it was observed in audit that most of the PPs did not submit half yearly compliance reports timely and regularly and there was delay ranging from one month to 48 months in submission of the compliance reports.

We noticed that the ROs did not issue reminders regularly for submission of compliance report to PPs. Also, no action was taken by the MoEF&CC against the PPs under the provisions of the Environment Protection Act, 1986 for non-submission of compliance report by PPs.

While accepting the audit observation, MoEF&CC stated (October 2016) that there was increasing trend of receiving the compliance report in these years and reminders were being issued from the ROs.

However, the fact remains that all the PPs did not submit half yearly compliance reports and the reminders were not issued regularly.

²⁸ RO Shillong: $(30-17)/30*100=43$ per cent.

²⁹ RO Chennai: $(39-9)/39*100=78$ per cent.

7.4 Non uploading of half yearly compliance report on website of the Project Proponents

As per MoEF&CC circular (June 2009), the PPs had to submit hard copy and soft copy of the half yearly compliance reports to the concerned ROs/SPCBs and had to be posted on the website of the company.

Out of 352 projects, we test checked 25 ECs with regard to uploading of the reports. We observed that in 10 cases, the Ministry had not incorporated the condition for the PP to upload the compliance report on their website. Of the remaining 15 cases in which the EC condition was stipulated, none of the PPs had uploaded the compliance reports on their website.

MoEF&CC (October 2016) remained silent on the audit observation.

7.5 Shortage of scientists in the environment wing of Regional Offices

As per the details provided by MoEF&CC, the combined total number of sanctioned posts of scientists in all the ROs was 41 against which 15 scientists were in position as of 31st March 2015.

Thus, there was wide gap between the sanctioned strength and men in position in all the ROs. In the Environment Wing of four ROs, only one scientist was in position against the sanctioned strength of four each in Bengaluru, Chandigarh and Dehradun and five in Shillong. MoEF&CC had not taken sufficient efforts to fill up the gap by deputing the appropriate number of scientific staff in the Environment wing.

While accepting the audit observation, MoEF&CC stated (October 2016) that it had taken appropriate action to appoint the scientists which will help taking up more projects for monitoring and follow up of the projects.

7.6 Monitoring of projects by ROs

As per the information provided by MoEF&CC and its ROs, a total 9,878 Category A projects and 12,657 Category B projects were to be monitored by the ROs which had been given ECs since the inception of the EIA process, following the notification of 1994.

Of these, we verified 352 projects which had been given ECs during 2008-12 with regard to monitoring done by ROs. The details are given in Table 7.2.

Table 7.2: Regional Office-wise sampling of half yearly reports

Regional Offices	Category A projects	Category B projects	Projects sampled for audit
1. Bengaluru	1,364	Not available in RO	33
2. Bhopal & Nagpur	1,748	1,813	94 (48+46)
3. Bhubaneswar	960	721	48
4. Chennai	2,439	5,045	39
5. Chandigarh	868	1,303	30
6. Dehradun	250	1,250	15
7. Lucknow	1,516	2,483	32

Regional Offices	Category A projects	Category B projects	Projects sampled for audit
8. Ranchi	393	7	31
9. Shillong	340	35	30
Total	9,878	12,657	352

Our scrutiny revealed that out of 352 projects selected in audit, only 147 projects were monitored by ROs. Audit examined the monitoring reports of ROs which indicated that the PPs did not follow all the general as well as specific environmental conditions during implementation of project and violated the EC conditions. The details are given in the **Annexure VI**. We also observed that, no powers had been given to the ROs to take action for violation of EC conditions by the PPs.

7.7 Unrealistic fixation of monitoring targets

As per MoEF&CC norms (July 2015) each scientist was to monitor at least five projects per month. Therefore, minimum 60 projects were to be monitored every year by each scientist.

Details of the targets fixed by the MoEF&CC to ROs for monitoring of projects and actual number of projects monitored by each RO for last five years are given in Table 7.3.

Table 7.3: Monitoring targets fixed by MoEF&CC

Regional Offices	2011-12		2012-13		2013-14		2014-15		2015-16	
	T	A	T	A	T	A	T	A	T	A
1. Bengaluru	200	351	180	379	230	272	230	166	240	97
2. Bhopal	180	73	220	73	220	126	220	128	220	206
3. Bhubaneswar	110	111	110	107	120	109	120	115	120	124
4. Chennai	-	-	-	-	-	-	-	224		301
5. Chandigarh	190	180	230	182	230	218	230	204	280	173
6. Dehradun	-	-	-	-	-	-	10	10	41	41
7. Lucknow	200	299	200	301	240	324	240	273	220	224
8. Nagpur	Position merged with Bhopal as shown above.									
9. Ranchi	--	--	--	--	--	--	--	--	55	11
10. Shillong	40	52	80	77	90	89	75	69	40	40
Total	920	1,066	1,020	1,119	1,130	1,138	1,125	1,189	1,216	1,217

T- Target, A- Achievement

The men-in-position of scientists was 15 as of 31st March 2015, thus, as per MoEF&CC norms around 900 projects could have been monitored in a year with the present men in position.

Our scrutiny showed the following:

- As of 31st March 2015, only one scientist was posted at Bengaluru and Chandigarh each and achievement of these ROs have been reported as 166 and 204 respectively, which was 277 *per cent* and 340 *per cent* against the norm of at least 60 projects per scientist per year.
- There was one scientist posted at RO Chandigarh and three scientists at RO Lucknow but the targets of monitoring of projects were almost the same.

It is evident from the above that the targets for monitoring of the implementation of the projects were not fixed realistically with reference to the manpower and quantum of work besides the size/approachability of the area and the complexity of the projects.

While accepting the audit observation, MoEF&CC stated (October 2016) that the appointment of scientists would help taking up of more projects for monitoring. However, Ministry remained silent on fixing of target with reference to manpower and quantum of work.

It is evident from the above table that the overall monitoring targets were achieved except for RO Bhopal, Chandigarh, Ranchi and Shillong. On correlating the figures with the position in Table 7.2 it may be seen that MoEF&CC/ROs would not be able to monitor all projects under their jurisdiction even in a period of five years.

7.8 Action taken for violation of EC conditions

As per the Environment (Protection) Act 1986, for violation of the ECs, MoEF&CC had the power to direct (a) the closure, prohibition or regulation of any industry, operation or process; or (b) stoppage or regulation of the supply of electricity or water or any other service.

In reply to a Parliament question, the Ministry submitted (July 2016) that no penalty was imposed by the MoEF&CC for violating conditions of EC in the last two years.

We observed that MoEF&CC did not have a compiled database of cases/projects received by it from the ROs where the violations were reported by ROs after their monitoring/inspection. Data register with year wise breakup of such cases was also not maintained.

Audit forwarded a list of selected projects to MoEF&CC for furnishing the files of monitoring reports and action taken by the Ministry on the reports. MoEF&CC could not furnish records of the selected projects except for five cases.

Audit scrutiny of these five cases revealed that in respect of three cases, no action was taken by MoEF&CC based on the reply given by the PPs. In case of, **M/s Nirani Sugar Ltd, Karnataka**, MoEF&CC asked the PP to furnish the compliance to violation to EC conditions in October 2015 but the PP had not replied/complied till July 2016.

In another case of **M/s Kailashpati Cement (P) Ltd**, did not submit compliance to specific and general conditions such as feasibility for full utilization of gases generated from the kiln, regular monitoring of influent and effluent surface, non-development of prescribed 33 *per cent* of green belt, non-earmarking of five *per cent* towards activities under ESR, lapse of CTO, etc. Although the case was put up for issuing Show Cause Notice in December 2015, the same was withheld by MoEF&CC. No further action was taken by MoEF&CC.

Further, MoEF&CC on its own furnished 13 files where the Show Cause Notices were issued between August 2015 and December 2015. Scrutiny of these files revealed that in

eight cases no reply was received in MoEF&CC till 15 July 2016 and no reminders were issued by MoEF&CC to the defaulting PPs. In two cases, **M/s MIDC Tarapur, Maharashtra** and **M/s Gallant Metal Ltd, Gujarat**, the compliance report/reply furnished by the PPs were not verified by the MoEF&CC/ROs. In another case of **M/s Rowale Bauxite Mine, Ropali Ratnagiri**, the reply furnished by the PP was termed unsatisfactory but no directions were issued by the MoEF&CC.

While accepting the audit observation, MoEF&CC stated (October 2016) that reminder had been issued to **M/s Nirani Sugar Ltd, Karnataka** and in case of **M/s Kailashpati Cement (P) Ltd** the RO was being requested for fresh site inspection. Further, in respect of **M/s MIDC Tarapur, Maharashtra** and **M/s Gallant Metal Ltd Gujarat**, it stated that the submission given by the PPs were found satisfactory hence were not verified with ROs.

7.9 Conclusion

ROs were not ensuring that the PPs submitted half yearly compliance reports timely and regularly. PPs were also not uploading half yearly compliance report on their website.

There was wide gap between the sanctioned strength *vis a vis* men in position of scientists in all the ROs. Consequently, MoEF&CC/ROs would not be able to monitor all projects under their jurisdiction even in a period of five years.

No power was delegated to ROs to take action against the defaulting PPs and they had to report the violations of the EC conditions to the Ministry. The Ministry did not have a database of cases received where the violations were reported by ROs. No penalty was imposed by the MoEF&CC for violating conditions of EC in the last two years.

7.10 Recommendations

We recommend that,

- i. MoEF&CC may put in place a mechanism to ensure that the compliance reports are regularly and timely received and uploaded by PPs and the Ministry on their websites.
(Paragraph 7.3 and 7.4)
- ii. MoEF&CC may take expeditious measures to have the requisite number of scientists in place in the respective ROs.
(Paragraph 7.5)
- iii. MoEF&CC should evolve a system by delegating powers to ROs for taking action against the defaulting PPs.
(Paragraph 7.6)
- iv. MoEF&CC should have a system in place where the reports of violation received from ROs are compiled and constantly monitored in coordination with the ROs for ensuring that the PPs comply with EC conditions and take action as per law.
(Paragraph 7.8)