



# भारत का राजपत्र The Gazette of India

सी.जी.-डी.एल.-अ.-24052021-227153  
CG-DL-E-24052021-227153

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)  
PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं. 274]  
No. 274]

नई दिल्ली, सोमवार, मई 24, 2021/ज्येष्ठ 3, 1943  
NEW DELHI, MONDAY, MAY 24, 2021/JYAISTHA 3, 1943

पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय

अधिसूचना

नई दिल्ली, 24 मई, 2021

**सा.का.नि. 340(अ).**—जबकि, भारत सरकार के पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय (पूर्ववर्ती पर्यावरण एवं वन मंत्रालय) ने ईंटों के विनिर्माण हेतु ऊपरी (सतही) मृदा के उत्खनन को प्रतिबंधित करने और विभिन्न प्रयोजनों के लिए कोयला या लिग्नाइट आधारित ताप विद्युत संयंत्र से उत्सर्जित फ्लाइ-ऐश के उपयोग को बढ़ावा देने के लिए पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उप-धारा (1) और उप-धारा (2) के खण्ड (v) और धारा 5 के अधीन सं. का.आ. 763 (अ) तारीख 14 सितम्बर, 1999 जारी किया था।

जबकि, केंद्रीय सरकार ने कोयला या लिग्नाइट आधारित ताप विद्युत संयंत्रों और अन्य से 300 किलोमीटर के अंदर नए लाल मिट्टी के ईंट भट्टों को निषिद्ध करने के संबंध में मूल अधिसूचना से प्रभावित होने वाली संभावित जनता के सूचनार्थ और केंद्रीय सरकार द्वारा विचार किए जाने के लिए आपत्ति या सुझाव प्राप्त करने के लिए पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उप-धारा (1) और उप-धारा (2) के खण्ड (v) और धारा 5 द्वारा प्रदत्त शक्तियों के अधीन अधिसूचना सं. सा.का.नि. 157 (अ), तारीख 25 फरवरी, 2019 के द्वारा मूल अधिसूचना में संशोधन करने का प्रस्ताव किया था।

और जबकि, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय कोयला या लिग्नाइट आधारित ताप विद्युत संयंत्रों द्वारा फ्लाइ-ऐश का प्रभावी ढंग से उपयोग करने के उद्देश्य से अधिसूचना को समेकित करने के लिए मूल अधिसूचना सं.का.आ. 763 (अ), तारीख, 14 सितम्बर, 1999 और इसके पश्चात्तवर्ती संशोधनों के पुनरीक्षण पर विचार कर रहा है।

अतः, अब, केंद्रीय सरकार पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उप-धारा (1) और उप-धारा (2) के खण्ड (v) और धारा 5 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय की अधिसूचना सं. सा.का.नि. 157 (अ), तारीख 25 फरवरी, 2019 का विखंडन करती है।

[फा. सं. 09/01/2019-एचएसएमडी]

नरेश पाल गंगवार, संयुक्त सचिव

**MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE**

**NOTIFICATION**

New Delhi, the 24th May, 2021

**G.S.R. 340(E).**—Whereas the Government of India in the Ministry of Environment, Forest and Climate Change (erstwhile Ministry of Environment and Forests) vide number S.O.763(E) dated the 14<sup>th</sup> September, 1999 issued under sub-section (1) and clause (v) of sub-section (2) of section 3 and section 5 of the Environment (Protection) Act, 1986 (29 of 1986) for restricting the excavation of top soil for manufacturing of bricks and promoting utilisation of fly ash generated from coal or lignite based thermal power plant for various purposes.

Whereas, the Central Government proposed amendments to the principal notification *vide* notification number G.S.R.157(E), dated the 25<sup>th</sup> February, 2019 under the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 and section 5 of the Environment (Protection) Act, 1986 (29 of 1986), regarding prohibition of new red clay brick kilns within 300 kilometers from coal or lignite based thermal power plants and others, for information of the public likely to be affected by it and for obtaining objections or suggestions for consideration by the Central Government.

And whereas, the Ministry of Environment, Forest and Climate Change is considering the revision of the principal notification number S.O.763(E), dated the 14<sup>th</sup> September, 1999 and its subsequent amendments for consolidating the notification in the interest of effective fly ash utilisation by the coal or lignite based thermal power plants.

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 and section 5 of the Environment (Protection) Act, 1986 (29 of 1986), the Central Government hereby rescinds the notification of the Government of India, in the Ministry of Environment, Forest and Climate Change, number G.S.R.157(E), dated the 25<sup>th</sup> February, 2019.

[F.No.09/01/2019-HSMD]

NARESH PAL GANGWAR, Jt. Secy.

**MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE  
NOTIFICATION**

New Delhi, the 25th February, 2019

**G.S.R. 157(E).**—Whereas by notification of the Government of India in the Ministry of Environment, Forest and Climate Change (erstwhile Ministry of Environment & Forests) S.O. 763(E) dated the 14<sup>th</sup> September, 1999 (hereinafter referred to as the said notification) issued under sub-section (1) and 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 utilization of fly ash in the manufacturing of building materials and in construction activity within a specified radius of three hundred kilometers from coal or lignite based thermal power plants.

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;

Now, therefore, in exercise of the powers conferred by sub-section (1) and clause (v) of sub-section (2) of section 3 and section 5 of the Environment (Protection) Act, 1986, the Central Government proposes to make the following further amendments in the said notification for the information of the public likely to be affected thereby and notice is hereby given that the said draft amendment notification will be taken into consideration on or after the expiry of a period of sixty days from the date on which copies of the Official Gazette, in which this notification is published, are made available to the public.

The objection or suggestion, which may be received from any person with respect to the said draft amendments within the period specified above, will be taken into consideration by the Central Government.

Objections or suggestions, if any, may be addressed to the Secretary, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jor Bagh Road, New Delhi-110003, or send it to Director (HSMD) e-mail address i.e. [m.gangeya@gov.in](mailto:m.gangeya@gov.in).

**Draft amendments**

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

(i) For sub-paragraph (1) beginning with “no person and ending with weight basis”, the following shall be substituted, namely: -

“No new red clay brick kiln shall be installed and operated within 300 km from a coal or lignite based thermal power plant after publication of this notification. The existing red clay brick kilns located within 300 km shall be converted into fly ash based bricks or blocks or tiles manufacturing unit within one year from the date of publication of this notification. In order to encourage the conversion, Thermal Power Plants (TPPs) should provide fly ash at the rate of 1 Re per ton and bear the full transportation cost upto 300 km to such units.

Provided that at least 20% of dry ESP fly ash shall be made available to units manufacturing fly ash bricks, blocks and tiles fly ash products on priority basis over other users at the rate Re 1 per ton. This shall apply even if, the Thermal Power Plant has achieved 100% utilisation in previous years. The nominal charge of Re 1 per ton will ensure traceability/transparency by generating invoice.”;

(ii) For sub-paragraph (1A), the following words shall be omitted, namely: -  
“or clay fly ash bricks, blocks or tiles”

(iii) For sub-paragraph (1C), the following shall be substituted, 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	Usage of PPC (IS- 1489:Part-1) or PSC (IS-455) or 15% of OPC (IS-269/8112/12269)

	cement is used as binder.	content.
3.	Cement.	15% of total raw materials
4.	Concrete, mortar and plaster.	Usage of PPC (IS-1489: Part-1) or PSC (IS-455) or 15% of OPC (IS-269/8112/12269) content.

(iv) For sub-paragraph (1E), the following shall be substituted, namely:—

“1 (E) The concerned State Government and the District Magistrate shall have concurrent jurisdiction for enforcement and monitoring of the provisions of sub-paragraph (1A), (1B) and (1C) for ensuring compliance;”.

2. In the said notification, in paragraph 2: -

(i) in sub-paragraph (1) (ii) for portion beginning with “at least 20 % of dry ESP fly ash and ending with as may be possible”, the following shall be substituted, namely:—

“the responsibilities of Thermal Power Plants shall include as given in Para 1(1).”;

(ii) After sub-paragraph (1) (ii), the following portion shall be omitted;

“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”.

3. In the said notification, in paragraph 3: -

(i) in sub-paragraph (10), for the words “where built up area is more than 1000 square feet”, the words “All Government Buildings and” shall be substituted.

[F.No. 09/01/2019-HSMD]  
RITESH KUMAR SINGH, Jt. Secy.

**Note:**(a) The principal notification were published in the Gazette of India, Extraordinary, PART II—Section 3—Sub-section (i), vide SO 763(E), dated the 14<sup>th</sup> September, 1999.

(b) The amendments were published in the Gazette of India, Extraordinary, PART II—Section 3—Sub-section (i), vide SO 979 (E), dated the 27<sup>th</sup> August, 2003.

(c) The amendments were published in the Gazette of India, Extraordinary, PART II—Section 3—Sub-section (i), vide SO 2804 (E), dated the 3<sup>rd</sup> November, 2009.

(d) The amendments were published in the Gazette of India, Extraordinary, PART II—Section 3—Sub-section (i), vide SO 254 (E), dated the 25<sup>th</sup> January, 2016.