

**GOVERNMENT OF MEGHALAYA  
FOREST AND ENVIRONMENT DEPARTMENT**

\*\*\*\*\*

**ORDERS OF THE GOVERNOR**  
**NOTIFICATION**

No.FOR/CC/31/2022/Pt/21

Dated: Shillong, the 5<sup>th</sup> September, 2024.

Whereas Hon'ble National Green Tribunal (NGT) order in the matter of O.A. No. 593/2017(WP (CIVIL) No. 375/2012), Paryavaran Surksha Samiti Vs Union of India & Ors. has unambiguously directed State & Central boards to levy Environmental Compensation on violators of environmental laws. The NGT Order on the matter is as follows: **“The CPCB may take penal action for failure, if any, against those accountable for setting up and maintaining STPs, CETPs and ETPs. CPCB may also assess and recover compensation for damage to the environment and said fund may be kept in a separate account and utilized in terms of an action plan for protection of the environment.”**

Whereas, in the 63<sup>rd</sup> Conference of Chairman and Member Secretary of PCBs/Committees held on 18.03.2019, it was decided that SPCBs/PCCs may frame their guidelines on Environmental Compensation based on “Report of the CPCB In-House Committee on Methodology for Assessing Environmental Compensation and Action Plan for utilization of the Environmental Compensation Fund.

Whereas in pursuance to the decision above, the Meghalaya State Pollution Control Board, prepared guidelines for assessing Environmental Compensation and Action Plan for utilization of the aforesaid fund and approved the draft Guidelines for Utilization of Environmental Compensation Fund vide Resolution No. 2.13 in its meeting held on 1<sup>st</sup> December, 2023.

Now therefore in compliance of the directions issued by the Hon'ble National Green Tribunal (NGT) and on recommendation of the Meghalaya State Pollution Control Board, the Guidelines for Utilization of Environmental Compensation Fund appended to this notification shall be in accordance and shall be effective with immediate effect until further orders.

Sd/-

(Sampath Kumar, IAS)

Principal Secretary to the Government of Meghalaya,  
Forest & Environment Department

\*\*\*\*\*

## Guidelines for Utilization of Environmental Compensation Fund

### 1.0 BACKGROUND

(CIVIL) No. 375/2012), Paryavaran Suraksha Samiti & Anr. Vs. Union of India & Ors has unambiguously directed State & Central Boards to levy Environmental Compensation on violators of Environmental laws.

The NGT Order on the matter is as follows: **“The CPCB may take penal action for failure, if any, against those accountable for setting up and maintaining STPs, CETPs and ETPs. CPCB may also assess and recover compensation for damage to the environment and said fund may be kept in a separate account and utilized in terms of an action plan for protection of the environment.”**

#### 1. SCOPE OF ASSISTANCE:

- a. Scope of activities specified in the NGT Orders dated 22-01-2019 in OA no 101/2019 which is as listed below:
  - i. Development of infrastructure for Air and Water quality surveillance and monitoring for different areas/locations including field staff quarters in Meghalaya.
  - ii. Remediation of contaminated sites-and for that to develop infrastructure, procurement of equipment, etc. including hiring of Experts/ Consultants for specific requirement for remediation of sites, etc.
  - iii. Specific investigations and studies with regard to environment and ecology.
  - iv. Carrying capacity assessment for ecologically and environmentally sensitive & critical areas, including hiring of Experts/Consultants for specific purpose and period.
  - v. R & D activities with regard to new technologies, clean technologies, etc.
  - vi. Capacity building of scientific and engineering personnel of Meghalaya State Pollution Control Board to rejuvenate and protect the environment.
  - vii. Augmenting and strengthening of laboratory and engineering network in terms of manpower and logistics.
  - viii. Payment of honorarium in compliance of Judicial Orders of the Courts and Tribunal.
  - ix. Specialized studies on accidental spill areas, health impact assessment, recalcitrant pollutants, etc.

## Guidelines for Utilization of Environmental Compensation Fund

- x. Information, Education and Communication (IEC) activities.
  - xi. Any other scientific and technical matter which may arise as a contingent matter.
  - xii. Conducting awareness (IEC) pertaining to Air, water, environment, Ecology.
  - xiii. Purchase of vehicle for field officers for monitoring purposes to check illegalities and impose EC.
- b. EC fund shall support activities like procurement of equipment, upgradation/establishment of laboratory, technical studies, survey and training of staff. However, the following areas shall be accorded priority for allocation of EC funds :
- i. Studies directed by Hon'ble NGT
  - ii. R&D Activities for pollution control
  - iii. Development of infrastructure for Water and Air Quality Surveillance
  - iv. Strengthening and Upgradation of Laboratory
  - v. Inventorization of sources of pollution
  - vi. Preparation of DPR for remediation of contaminated sites
  - vii. Capacity building of SPCB staff (Engineering & Scientific)
  - viii. Mass awareness programmes
  - ix. Setting up of Model Sewage Treatment Plants/ Effluent Treatment Plants in government premises.
  - x. Erection of Signages with prohibitory orders all along the Rivers.
- c. Grant for salary support shall be restricted to scientific and technical project staff and would be limited to the project duration only.
- d. EC Fund shall not be sanctioned for land acquisition
- e. No recurring expenditure shall be sanctioned under the EC Fund.

## **Guidelines for Utilization of Environmental Compensation Fund**

### **2. MODE OF PROPOSAL**

Norms for receiving, processing, sanctioning of proposals shall be followed for efficient utilization of EC Funds. These norms are as given below:

- a. Depending upon the need, proposals may be invited by the Board from “Autonomous Institutions / Statutory Bodies under the Central / State Government” having domain expertise. Selection among the proposals received in response will be on the basis of technical soundness, including credentials of the grantee organization, team involved and cost effectiveness.
- b. The project works executed through “Autonomous Institutions/ Statutory Bodies under the Central / State Government”, proper procedures shall be followed. The concerned Boards shall be solely responsible for following the procedure in procurement and awarding the works. The R&D Project works should not contain more than 50% of the amount for new equipment/instruments, if the work is awarded to outside institutes. Equipment/ instruments procured under R&D projects shall be the property of concerned SPCB.
- c. The institutes shall submit the proposal as per the format enclosed for Utilization of EC funds. The proposal should clearly identify the objectives, activities, and methodology as well as project deliverables. It should also specify the additional personnel support required and the time-frame for overall execution of the project and timeline for associated project activities. Further, detailed cost breakup consistent with the funding norms shall be provided. The copy of format for utilization is annexed herewith as at ANNEXURE-I.

## Guidelines for Utilization of Environmental Compensation Fund

### 3. PROCEDURE FOR APPRAISAL OF PROPOSALS

A Committee is to be constituted by Meghalaya State Pollution Control Board comprising of the following members:

Sl. No.	Name & Designation	Designation in the Committee
1.	Chairman	Chairperson
2.	Secretary, Forest & Environment Department	Member
3.	Chief Engineer, Public Health Engineering Department	Member
4.	Regional Officer, Central Pollution Control Board	Member
5.	Chairman, State Environmental Impact Assessment Authority	Member
6.	Chairman, State Expert Appraisal Committee	Member
7.	Director, Directorate of Commerce & Industries	Member
8.	Scientist 'E'/Scientist 'D', MoEF&CC, Shillong	Member
9.	D.F.O (T), Khasi Hills & Ri-Bhoi Territorial Division	Member
10.	Member Secretary, Meghalaya State Pollution Control Board	Member Secretary
11.	Sr. Environmental Engineer, Meghalaya State Pollution Control Board	Member

#### 3.1 MEETINGS OF THE COMMITTEE:

- a. The committee shall meet at twice in a year (Once in six months) or as decided by the Chairperson.
- b. The quorum for such meeting shall be half of the total members of the Committee.

#### 3.2 Powers & Functions of the Committee: The committee shall have the following powers and functions:

- a. Assessment of administrative feasibility and prioritization of various activities to be undertaken from the Environment Compensation fund.
- b. Determine project area for undertaking various activities and schemes under the Environment Compensation fund.
- c. Placing the Annual Action Plan before the Board for approval.

## **Guidelines for Utilization of Environmental Compensation Fund**

- d. Ensuring inter departmental coordination.
- e. Appointment of auditors for auditing accounts spent under Environment Compensation fund.
- f. Monitor the progress of the utilization of Environment Compensation fund and review progress of projects.

### **4. TERMS AND CONDITIONS FOR SANCTION OF PROPOSALS**

- a. A project will normally be sanctioned for a fixed duration and a maximum of two years.
- b. Extension of project duration may be granted only in exceptional cases, subject to a maximum period of six months.
- c. Fund shall be spent by the Board as per provisions of State Financial Rules. The funds have to be audited as per statutory provisions.
- d. The implementing agencies/organizations/institutions /statutory bodies shall submit signed Utilization Certificate to the Member Secretary of the Board, which should also certify that the amount spent on the Project has been audited as per statutory requirements.
- e. The sanctioned proposals will become operative with effect from the date of receipt of work order.
- f. Cost over runs-if any, shall be borne exclusively by the concerned State Board.

### **5. MONITORING MECHANISM**

- a) The Committee shall monitor progress of approved project /activities every four months or earlier, if necessary.
- b) The Committee may terminate a project, if progress of it found unsatisfactory. In case of termination of the project at any stage, concerned State Board shall refund full amount received by it along with accrued interest, if any to CPCB.
- c) The concerned Board shall furnish 2(two) copies of the Final Technical or Implementation Report along with a soft copy to the Committee on completion of the Project.

# Guidelines for Utilization of Environmental Compensation Fund

## Annexure I

### Format for Proposal

1. Title of the Project
2. Names, Designation of Project Coordinator
3. Address of Organization where Project is implemented
4. Specified Area in reference to NGT Order
5. Objective
6. Justification
7. Scope of Work
8. Methodology
9. Duration of the Project/Time Schedule
10. Expected outcome/deliverables
11. Monitorable targets (Physical and Financial)
12. Total Amount of Grant Required along with Cost Breakup
13. Details of additional funds ( along with sources), if any, sanctioned for the Project
14. Status of Projects previously financed through EC Funds and Funds released on date