

**Annex 2B**

**Equivalence Matrix: Natural Habitats**

<b>Objectives and Operational Principles on Natural Habitats per OP 4.00 Table A1</b>	<b>Government of India (GOI) Legal Framework</b>	<b>POWERGRID Environmental and Social Policy and Procedures (ESPP)</b>	<b>Gap Analysis POWERGRID ESPP</b>	<b>Recommended Gap Filling Measures for POWERGRID ESPP</b>
<p><b>Objectives</b> To promote environmentally sustainable development by supporting the protection, conservation, maintenance, and rehabilitation of natural habitats and their functions.</p>	<p>The Constitution of India states that the State shall endeavour to protect and improve the environment and to safeguard the forests and wildlife of the country ” (Article 48-A that relates to Protection and improvement of the environment and safeguarding of forest and wildlife)</p> <p>Further under the Fundamental Duties provision it states that it is the duty of every citizen “To protect and improve the natural environment including forests , lakes, rivers, and wildlife and to have a compassion for</p>	<p>POWERGRID aims to “minimize adverse impacts on the natural environment by consciously economizing on the requirement for land for civil structures reducing the width of the Right of Way (ROW) etc. (Preface)</p> <p>The ESPP cites the “Wildlife Protection Act” among “relevant laws having bearing on ....POWERGRID.” (2.3.1.B).</p> <p>The ESPP states that “The Biodiversity Act ...is not directly applicable to transmission projects” (Table 2.4)</p>	<p><b>Partial Equivalence</b></p> <p>The draft R &amp; R Bill provides for consideration of other activities to the extent that it would require that the SIAS be carried out simultaneously with any required the Environmental Impact Study; that the public hearing undertaken for the EIA shall also cover issues</p>	<p>More complete reference to Indian laws, notifications are applicable to POWERGRID’s activities as these affect natural habitats.</p>

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	<p>living creatures”( 51-A (g)).</p> <ul style="list-style-type: none"> <li>The Wildlife Protection Act of, 1972 (No. 53 of 1972 as amended (WPA”) is “[a]n Act to provide for the protection of wild animals, birds and plants and for matters connected therewith or ancillary or incidental thereto with a view of ensuring the ecological and environmental security of the country” (Preamble). It provides for the designation and management of Protected Areas (PAs) including National Parks, Sanctuaries, Conservation Reserves and Community Reserves as well as Tiger Reserves.</li> </ul> <p>The WLPA has been further strengthened by the</p>	<p>The ESPP also cites the National Conservation Strategy and Policy Statement on Environment and Development, 1992 and the Wildlife Conservation Strategy 2002-15.</p>	<p>relating the SIA and that a copy of the SIA report be made available to the Impact Assessment Agency of the MoEF; and that a copy of the EIA report be shared with the independent multi-disciplinary expert group that is authorized to review the SIA report. The ESPP is fully equivalent to this Objective.</p> <p>The ESPP cites the relevance of the WPA, in the</p>	

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	<p>various interpretation of the Act and interim orders by the Supreme Court in the on going CEL WWF-India case.(C.W.P. No. 337 of 1995) ( See Order dated 26.09.05, 13.1.98 on designating ecologically sensitive areas.</p> <p>Order dated 22-08-1997 on preventing denotification of an area to be included in a National Park or Sanctuary is now required to be placed before the Indian Board for Wildlife (IBWL and then before the Legislative Assembly along with the opinion of IBWL.</p> <p>Further order dated 13-11-2000 <u>effectively bans</u> dereservation of forest/ sanctuary/ national park till further orders.</p>		<p>narrative but omits mention of the WPA and other important laws relating to protected areas it in the comprehensive table of “Legal Requirements &amp; Compliance Measures “ (Table 2.4)</p>	

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	<p>Order dated 26.09.2005 on ecologically sensitive areas states that user agencies, especially the large public sector undertakings “such as Power Grid Corporation...” etc., which frequently require forest land for their projects should also be involved in undertaking compensatory afforestation by establishing Special Purpose Vehicles. Private sector user-agencies are held responsible for monitoring of compensatory afforestation. Necessary procedures for this purpose are to be established by the MOEF with the concurrence of the Central Empowered Committee.</p> <p>Order dated 04-12-2006 in the case of Goa Foundation versus Union</p>			

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	<p>of India W.P.(C) NO. 91 of 2005 describes a decision that was taken on 21st January, 2002, involving notification of the areas within 10 km. of the boundaries of the sanctuaries and national parks as :”Eco-sensitive areas” with a view to conserving the forest, wildlife and environment, and having regard to the precautionary principles</p> <p>The Wildlife Protection Act amendments in 2006 (Section 38 V) also provide for the creation of Critical Tiger Habitats as inviolate areas. The Tiger and Other Species Crime Control Bureau is another significant step towards protecting species as well as habitat. (Ref. Chapter IV C of the WLP)</p>			

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	<p>The Biological Diversity Act, 2002 (BDA) provides for the “conservation of biological diversity, sustainable use of its components and fair and equitable sharing of the benefits...” [I]t provides that “[t]he Central Government shall develop national strategies, plans, programmes for the conservation and promotion and sustainable use of biological diversity including measures for identification and monitoring of areas rich in biological resources, promote of in situ...conservation<sup>1</sup>....” with reference to the United Nations Convention of Biological Diversity to which India is</p>			

<sup>1</sup> The BDA defines “*in situ* conservation” to mean “the conservation of ecosystems and natural habitats and the maintenance and recovery of viable populations of species in their natural surroundings and, in the case of domesticated or cultivated species, in the surroundings where they have developed their distinctive properties.” (Art. 36(5)(b))

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	<p>a party. (Preamble and Art. 36(1))</p> <p>The, BDA defines “biodiversity heritage sites” as areas of biodiversity importance. The determination of such sites, their management and conservations rest with the State government (Section 37 in conjunction with Section 63). From an institutional perspective, the Act provides for the establishment of the National Biodiversity Authority at the national level and the State Biodiversity Boards at the state level, as bodies with advisory competencies in the management of such sites (Sections 18 and 32). Most importantly it also establishes the Biodiversity Managing Committees. (Chapter X)</p>			

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	<p>Further the Central Government, in consultation with the concerned State Government, may from time to time notify any species which is on the verge of extinction or likely to become extinct in the near future as a threatened species and prohibit or regulate collection thereof for any purpose and take appropriate steps to rehabilitate and preserve those species. ( See Section 38)</p> <ul style="list-style-type: none"> <li>• The Scheduled Tribes and Other Traditional Dwellers (Recognition of Forest Rights) Act, 2006 (FRA) is also applicable as it recognizes forest rights of tribal communities and traditional dwellers over</li> </ul>			

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	<p>wildlife habitats of National Parks and Sanctuaries. (Art. 4(2))</p> <p>Specifically the notification of critical wildlife habitat (which is very similar to the critical tiger habitat) through the MOEF and provision of making them inviolate after a due process. (Section 2(b) read with Section 4(2) of the FRA). The legal distinction between the two categories is that while critical wildlife habitat under the FRA is created strictly out of national parks and sanctuaries, Critical Tiger Habitat is created as Tiger Reserves which may be outside the protected area network.</p> <p>In this light, the two other categories of protected areas under the WLPA</p>			

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	<p>area equally significant: 1) conservation reserves which seek to protect corridors between two national parks or sanctuaries or tiger reserves: (2) the provision of Community Reserves which seeks to elicit community participation in protecting significant wild life habitats. (Section 36-A and 36-C of the WLPA)</p> <p>Of potential significance is the recent move to declare Coastal Management Zone under a new revised draft amendment to the Coastal Regulation I category under the Coastal Resources Zone (CRZ) notification of 1991 which has been issued under the EPA (Although transmission lines are exempted from this notification as well).</p>			

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	<p>amendment (Draft CMZ notification of 2008)</p> <p>Impacts of forest-based activities on PAs located in or adjacent to forests have been addressed by various Supreme Court decisions cited by the Ministry of Environment and Forests in “Guidance and Clarifications” regarding application of the Forest (Conservation) Act (FCA, 1980 and the Forest (Conservation Rules), 2003 as amended through June 2004. (GC)</p>			
<p><b>Operational Principles</b></p> <p>1. Use a precautionary approach<sup>2</sup> to natural resources management to ensure opportunities for environmentally</p>	<p>The WPA constitutes National and State Wild Life Boards (NWLB and SWLB respectively) with the authority, among other things, to “advise the State Government...in the</p>	<p>“POWERGRID undertakes environmental assessment for all projects as a standard management procedure, as laid down in the ESPP.” (2.1.3)</p> <p>During project planning “[a]</p>	<p><b>Partial Equivalence</b></p> <p>POWERGRID’s use of EA and cost-benefit analysis as a</p>	<p>None.</p>

<sup>2</sup> The precautionary approach originated in environmental risk management to provide regulatory authority to stop specific environmental contaminations without waiting for conclusive evidence of harm to the environment (i.e., while there was still "uncertainty" about the evidence). <http://www.agbioforum.org/v3n4/v3n4a13-hathcock.htm>

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<p>sustainable development. Determine if project benefits substantially outweigh potential environmental costs.</p>	<p>selection and management of areas to be declared as protected areas [PA].”</p> <p>Under the WPA, one of the functions of the National Board for Wild Life (NBWL), constituted under the WPA (Section 5A) is to [c]arry...out or causing to be carried out impact assessment of various projects and activities on wild life or its habit [and] to “prepare a status report at least once in two years on wild life in the country.” (Sections 5C(c) and (e).</p> <p>The BDA provides that “The Central Government shall undertake measures... wherever necessary, for assessment of environmental impact of that project which is likely to have adverse effect on biological</p>	<p>detailed survey is carried out for the forest area and preliminary survey for the rest of the areas.” (3.2)</p> <p>“For non-forest areas, an environmental review is undertaken and appropriate management measures are formulated.” (5.2.3.i)</p> <p>The standard format for POWERGRID’s Initial Environmental Assessment Report (IEAR) includes among base-line data: “description of natural resource base [including] any...environmental[ally] sensitive areas [such as] National Park(s)...sanctuary, etc..( the etc needs to be expanded to include other sensitive areas such as ESA, CRZI areas, No development Zones, conservation reserves, critical tiger habitats and</p>	<p>standard management procedures, and its policy of avoiding or minimizing impacts on natural parks, wildlife and biosphere reserves and other eco-sensitive areas, bring the ESPP into partial equivalence with this Operational Principle.</p>	

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	<p>diversity, with a view to avoid or minimize such effects and where appropriate, provide for public participation in such assessment. (Art. 36(4)(i)</p> <p>Amendments to the Forest Conservation Rules require use of cost-benefit analysis for projects involving transmission lines (Appendix to FCR, Section 6, Form A, Part I.1.(v) and GC Annexures VI(a )(b(c).</p> <p>Any intervention on wild life in sanctuaries and national parks because of development activities is subject to prior permit (see WPA Sections 29 and 35(6). These provisions are both anticipatory and precautionary in nature. The BDA provides that “[w]here the Central</p>	<p>critical wildlife habitats , biosphere reserves, elephant reserves, tiger reserves etc)</p> <p>The IEAR also includes a description of the route selection including reference to “particular environmental parameters...[including] protected areas...” (Appendix XXXI)</p> <p>During environmental screening and scoping for transmission lines and sub-station, “the Environmental and Social Management Department (ESMD) through its ‘Bee’ line survey (a desk review) ....will identify any environmentally sensitive areas such as ...deciduous and scrub forests, riparian areas wetlands, mountains, critical wildlife habitats and geologically sensitive areas. Field units will conduct spot verifications to confirm the</p>		

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	<p>Government has reason to believe that any area rich in biological diversity, biological resources and their habitats is being threatened ...it shall issue directives to the concerned State Government to take immediate ameliorative measures, offering such State Government any technical and other assistance that is possible..." (Art. 36(2))</p> <p>Under the EIA Notification an Application for Prior Environmental Clearance (EC) requires the use of prescribed Form 1 and, in specified cases, Supplementary Form 1A. These forms require information on the anticipated impacts of the proposed project and the environmental sensitivity of potential receptors,</p>	<p>information [from the] Bee-Line survey and identify possibilities of circumventing environmentally sensitive areas and collect information on issues identified during desk review" (5.1.1.)</p>		

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	<p>provides and the Terms of Reference for EIA Studies (Section 6)</p> <p>The prior CRZ Clearance under EPA is also required to scrutinize the projects from a precautionary approach</p> <p>In the famous Vellore Citizen's Welfare Forum vs. Union of India and others [JT1996 (7) SC 375; It has been observed that " Precautionary Principle" and the " Polluter Pays Principle" are essential features of "Sustainable Development"</p> <p>The "onus of proof" is on the actor or the developer / industrialist to show that his action is environmentally benign. It was further held that in view of the above</p>			

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	<p>mentioned constitutional and statutory provisions the precautionary principle and the polluter pays principle are part of the environmental law of this country.”</p> <p>See also order dated 04-12-2006 in the case of Goa Foundation versus Union of India W.P. (C) NO. 91 of 2005-constitution of ESA is primarily with a view to conserve the forest, wildlife and environment, and having regard to the precautionary principles.</p>			
2. Avoid significant conversion or degradation of critical natural habitats, including those habitats that are (a) legally	The State Government may declare an intention to constitute any area as a National Park, A Sanctuary or a Conservation Reserve or	<ul style="list-style-type: none"> <li>• “Avoid operations in environmentally sensitive areas such as...wildlife reserves and biosphere reserves.” (1.0);</li> <li>• “During route</li> </ul>	<p><b>Partial Equivalence.</b></p> <p>The ESPP cites national parks, sanctuaries,</p>	The ESPP should be amended to include reference to other critical natural habitats that are

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<p>protected, (b) officially proposed for protection, (c) identified by authoritative sources for their high conservation value, or (d) recognized as protected by traditional local communities.</p>	<p>community reserve or tiger reserve “for purpose of protecting, propagating or developing Wild Life therein or its environment.” The notification shall define the [boundaries] of the area...[to which] no alteration shall be made except on recommendation of the [competent authority, i.e., the NBWL in the case of a National Park or Sanctuary. (Section (WPA, Sections 35, 26A and 36A). )</p> <p>Infact the Supreme Court also has mandated vide order dated 13/11/2000 that no dereservation of forests , sanctuary or national park or reserve forest would require not only the statutory permissions under the WLPA but also the permission of the Supreme</p>	<p>alignment, all possible efforts are made to avoid the forest area (including national park or sanctuary) or to keep it to the barest minimum.” (2.1.2)</p> <ul style="list-style-type: none"> <li>• “For selection of optimum route, the following critiera are taken into consideration [<i>inter alia</i>]: (v) the line route does not pass through any sanctuary, national park, biosphere reserve or eco-sensitive zone.” (2.1.2.A)</li> <li>• “To minimise the use of environmentally pristine areas[the] majority of towers are located on agricultural lands.” (Box 4.1)</li> <li>• During environmental screening and scoping for transmission lines, the Environmental and Social</li> </ul>	<p>biosphere reserves and “other eco-sensitive” areas but omits reference to critical natural habitats that are recognized by the WPA such as conservation reserves and community reserves that are protected by traditional local communities. Similarly critical tiger habitat or critical wildlife habitat under the FRA has been missing.</p>	<p>recognized by the WPA such as conservation reserves and community reserves that are protected by traditional local communities. As regard Coastal Area Regulation Zone (CRZ) draft notification of 2008.</p>

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	<p>Court.</p> <p>”</p> <p>In addition, the BDA provides that “the State Government may...in consultation with local bodies, notify in the Official Gazette, areas of biodiversity importance as biodiversity heritage sites....” (Art. 37(1))</p> <p>Draft Guidelines have been issued to declare BHS, and are in the process of being formalised.</p> <p>The BDA provides that “[w]here the Central Government has reason to believe that any area rich in biological diversity, biological resources and their habitats is being threatened ...it shall issue</p>	<p>Management Department (ESMD) thorough its “Bee” line survey (a desk review) ....will identify any..., critical wildlife habitats...” (5.1.1.)</p> <p>“POWERGRID tries to avoid [natural habitats such as National Park(s), Sanctuaries and Biosphere Reserves] altogether. However, in some cases due to [the] location of generation projects/substations particularly in hydro projects, it becomes very difficult to totally avoid these areas. Then, special measures are undertaken such as placing tall towers and multi-circuit tower[s] to minimize impact. Besides, financial assistance for planning and implementing mitigation measures is provided to the authorities responsible for protection/conservation of</p>		

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	<p>directives to the concerned State Government to take immediate ameliorative measures, offering such State Government any technical and other assistance that is possible...” (Art. 36(2))</p> <p>The WPA prohibits any person for acts that “shall ...destroy,.. damage or divert the habitat of any wild animal ...[in the absence of] a permit from the Chief Wild Life Warden<sup>3</sup> and in consultation with the SBWL. (Section 33)</p> <p>“[T]hrough a notification dated May 7, 1992, under the Environment (Protection) Act 1996 power transmission projects located in the two districts in the Aravalli</p>	<p>these...areas.”</p>		

<sup>3</sup> The Chief Wild Life Warden of each State is vested with the management, control, and maintenance of all sanctuaries. (WPA, Section 33)

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	<p>range (vis. Alwar in Rajasthan and Gurgaon in Haryana) require environmental clearance from MoEF.” (ESPP 2.1.3)</p> <p>The Forest Conservation Rules provide that in reviewing applications for FC Deputy Conservator of Forests must identify (Appendix to FCR, Section 6, Form A, Part II 7. (x)and (xi)</p> <ul style="list-style-type: none"> <li>- Whether the proposed project is located in a “National Park, wildlife sanctuary, biosphere reserve, tiger reserve, elephant corridor, etc. If so, the details of the areas and the comments of the Chief Forest Warden [are] to be annexed.”</li> <li>- Whether any rare/endangered/uniq</li> </ul>			

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	<p>ue species of flora and found [are found in the area- [and] if so, details thereof.</p> <p>Form 1 of the EIA Notification requires the applicant for Environmental Clearance to “identify any...areas protected under international conventions, national or local legislation for their ecological, landscape...or other related value.” (EIA Notification, Form 1)</p> <p>“The Supreme Court has passed several orders regarding taking up of non-forestry activities in the National Parks/Sanctuaries...[in] view of this...State Governments should not submit any proposal for diversion of forest land in</p>			

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	<p>National Parks and Sanctuaries without seeking permission of the...National Board of Wildlife and [the] Supreme Court.” (“Application of the Forest (Conservation) Act, 1980, 1.3.ii (GC)</p> <p>“In view of the ...orders of the Supreme Court ...[November 13, 2000, WP No. 337/95 and February 14, 2000, WP 202/95] 9992, ] “the State Governments are advised not to submit any proposal for diversity of forest land in National Parks and Sanctuaries under the Forest (Conservation) Act, 1980, without seeking prior permission of the Supreme Court.” (Letter from the Deputy Inspector General of Forests, MoEF to</p>			

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	<p>Secretar[ies] (Forests) All States and Union Territories, Sub: “Guidelines for diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980, that are part of National Parks and Wildlife Sanctuaries” (May 4, 2001) (GC, Appendix I)</p> <p>FRA requires the Central Government to recognize and vest forest rights in the forest dwelling Scheduled Tribes (STs) in States or areas in States where they are declared as Scheduled Tribes (STs) and the other traditional forest dwellers. These rights relate to land tenure and resources use. Also, the holders of forest rights according to the Act have the duty to “ensure that the habitat of forest dwelling Scheduled Tribes and other traditional forest</p>			

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	<p>dwellers is preserved from any form of destructive practices affecting their cultural and natural heritage (Section 3(1), 4(1), and 5(c)).</p>			
<p>3. Where projects adversely affect non-critical natural habitats, proceed only if viable alternatives are not available, and if appropriate conservation and mitigation measures, including those required to maintain ecological services they provide, are in place. Include also mitigation measures that minimize habitat loss and establish and maintain an ecologically similar protected area.</p>	<p>The BDA provides that “[w]here the Central Government has reason to believe that any area rich in biological diversity, biological resources and their habitats is being threatened ...it shall issue directives to the concerned State Government to take immediate ameliorative measures, offering such State Government any technical and other assistance that is possible...” (Art. 36(2))</p> <p>Form 1 of the EIA Notification requires the applicant for Environmental Clearance</p>	<p>“Whenever [intrusion into a forest area (including national park or sanctuary)] becomes unavoidable due to the geography of terrain or heavy cost involved in avoiding it, different alternative options are considered to minimize the requirement of forest area. Modern tools like GIP/GPS are used for finalization of route.” (2.2.1A)</p> <p>POWERGRID’s Proforma for analysis of alternative transmission line routes and sub-station sites includes, among other criteria (ESPP Appendix VVI):</p>	<p><b>Full equivalence.</b> The ESPP considers alternative transmission line and sub-station sites based on ecological criteria including the need to avoid or minimize its environmental footprint of various natural habitats including forests, protected areas,</p>	<p>None.</p>

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	<p>to “identify any permanent or temporary change in land use...clearance of existing land, vegetation... stream crossings, abstraction or transfers of water from ground or surface waters changes in water bodies... ..introduction of alien species, loss of native species or genetic diversity” as well as “areas which are important or sensitive for ecological reasons –[w]etlands, watercourses, or other water bodies, coastal zone[s], biospheres, mountains [or forests...[ar]eas used by protected important or sensitive species of flora or fauna for breeding, nesting, foraging, resting, over wintering [or] migration.” (EIA Notification, Form 1)</p>	<ul style="list-style-type: none"> <li>- type of flora and fauna</li> <li>- endangered species if any</li> </ul> <p>“If the forest is rich in wildlife...the Chief Wildlife Warden...gets a detailed assessment report prepared including measures to protect the wildlife, which is submitted with the [forest clearance] proposal.” (2.1.2.C)</p> <p>With respect to mitigation measures “POWERGRID aims to “minimize adverse impacts on the natural environment by consciously economizing on the requirement for land for civil structures reducing the width of the Right of Way (ROW) etc...through... [c]onsider[ing] environmental implications of location, terrain and sensitive areas in impact</p>	<p>erosion-prone areas, wetlands, and riverbeds.</p>	

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	<p>Form 1A of the EIA Notification applies to construction projects and requires project proponents to provide “full information...and whenever necessary...explanatory notes.” Among other issues the proponent is required to address is “any threat of the project to biodiversity “ along with a description of [any] unique features of the local ecosystem...[or].displacement of fauna-”. (EIA Notification, Form 1A]</p> <p>The EIA Notification provides that “[a]ny project or activity specified in Category B [.....]will be treated as Category A, if located in whole or in part within 10 km from the boundary of : (i) Protected Areas notified under the</p>	<p>identification and mitigate these with innovative/practical engineering solutions.” e.g. “construction of tall towers, (80 meters and in extreme situations even up to 140 meters).” (Preface, 1.0)</p> <p>“POWERGRID has incorporated the best technical practices to deal with environmental issues. In landslide prone areas, POWERGRID designs tower bases with leg extension and revetments that prevent soil erosion near the tower. POWERGRID has also designed special towers....for reducing impact on ...wildlife ...wetlands [and] riverbeds.” (Box 4.1)</p> <p>“To minimize... habitat fragmentation and edge</p>		

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	<p>[WPA],... (iii) Notified Eco-sensitive areas.” (EIA Notification, Schedule, Note: General Condition)</p> <p>The guidelines to FCA also lays down the mitigation measures and principles on which transmission lines are laid in forest areas.(See Guidelines to laying of transmission lines – Annex V of Hand Book of FCA, Guidelines and Clarifications, 2004) .</p>	<p>effect propagating [invasive] species..... POWERGRID utilizes hand clearing and transportation of tower material by head loads into forests...[and] maintains only a 3 m wide strip for O &amp; M and allows for regeneration of vegetation in the two other strips.” (Table 4.3)</p> <p>To control “access to wild animals POWERGRID does not create any access roads or paths during construction but uses only existing paths and field bunds for movement of material.” (Table 4.3)</p> <p>“To avoid ...avian hazards from transmission lines and towers POWERGRID avoids nesting sites and crucial bird habitats by careful route selection. The towers are provided with bird guards to prevent any</p>		

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		avian hazards.” (Table 4.3)		
4. Whenever feasible, give preference to siting projects on lands already converted.	None.  The Water Act and the State Pollution Control Boards often give two authorizations for any any industrial activity.: one to establish an industry and a second to operate.	“Avoid operations in environmentally sensitive areas such as...wildlife reserves and biosphere reserves.” (1.0);  “To minimise the use of environmentally pristine areas...[the] majority of towers are located on agricultural lands.” (Box 4.1)	<b>Full Equivalence..</b> The ESPP is fully equivalent to this Operational Principle	None.
5. Consult key stakeholders, including local nongovernmental organizations and local communities, and involve such people in design, implementation, monitoring, and evaluation of projects, including mitigation planning.	The BDA provides that “The Central Government shall undertake measures... wherever necessary, for assessment of environmental impact of that project which is likely to have adverse effect on biological diversity [and] provide for public participation in such assessment”. (Art. 36(4)(i)	Under the ESPP, “[P]ublic consultation [is] an integral part of the process throughout the planning and execution of a project. (ESPP 2.6) ...The ESPP commits POWERGRID to “ensure total transparency in dealing with all...stakeholders- i.e.,... through a well-defined public consultation process as well as dissemination of	<b>Full Equivalence</b> There is full equivalence with this operational principle	None.

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	<p>The BDA provides that “[t]he Central Government shall endeavor to respect and protect the knowledge of local people relating to biological diversity...which may include registration of such knowledge at the local, State or national levels, and other measures...” (Art. 35(5) Such measures are specified in the Biological Diversity Rules, 2004.</p> <p>Under the WPA, one of the functions of the State Advisory Committee is to “render advice on measures to be taken for better conservation and management of ...sanctuar[ies] including participation of people living within and around the sanctuary.” (Section 33B (2).</p>	<p>relevant information about the project at every stage of implementation.” (ESPP, Preface)....”</p> <p>Extensive details concerning POWERGRID’s public consultation process are provided in Appendix XVIII of the ESPP and in the Social Entitlement Framework as described in the sections on Involuntary Resettlement and Indigenous Peoples.</p>		

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	<p>“Where the community or an individual has volunteered to conserve wild life and its habitat...the State Government may...declare any private or community land not comprised within National Park, sanctuary or a conservation reserve, as a community reserve for purposes of protecting fauna, flora and traditional or cultural conservation values and practices.” (WPA, Section 36C (1))</p>			
<p>6. Provide for the use of appropriate expertise for the design and implementation of mitigation and monitoring plans.</p>	<p>“The Central Government shall...constitute the National Board for Wild Life consisting of.....ten persons .from amongst eminent conservationists, ecologists and environmentalists.” (WPA, 5A(f).          “It shall be the duty of the [NBWL] to...provide for</p>	<p>The ESPP identifies POWERGRID’s skill requirements for implementation of the ESPP. It includes requisite expertise for the conduct of the EA process, environmental management techniques; risk assessment and management techniques; knowledge of</p>	<p><b>Full Equivalence.</b>          The provisions of the ESPP are fully equivalent to the requirements of this Operational Principle.</p>	<p>None.</p>

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	<p>“framing policies and advising the Central [and] State Governments on the ways and means of promoting wildlife conservation...making recommendations on the setting up and management of ...protected areas and on matters relating to restriction of activities in those areas; ...carrying out or causing to be carried out impact assessments of various projects and activities on wild life or its habitat;...reviewing...the progress in the field of wildlife conservation in the country and suggesting measures for improvement.....” (WPA 5A and 5C).</p> <p>The Role of State Board with a similar mandate on Wildlife conservation is also important in this</p>	<p>GOI requirements with respect to all necessary clearances in including Forest Clearance, as well as monitoring, internal auditing and review process techniques. The skill requirements are allocated by organizational units including the Environment and Social Management Team; the Environmental and Social Management Cell, the Environment and Social Management Department, and the Engineering and Corporate Planning Departments. (Table 6.2.)</p> <p>The ESPP also sets forth the element for staff development including training in ESPP, policy, environmental assessment and management, risk assessment and management, and environmental management</p>		

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	regard.	<p>planning at the corporate HQ, regional and district HQ levels (Table 6.3)</p> <p>“POWERGRID...maintains monitoring procedures that ensures that comply with environmental legislation...” (2.3.2)</p> <p>POWERGRID’s monitoring procedures area detailed in the ESPP and include an organizational support structure, and identification of key indicators for monitoring by POWERGRID and its associates. (Key indicators include tower location and transmission line alignment setbacks from water bodies, ecological protected areas, and reserved forests. 6.5, Figure 6.3 and Table 6.4)</p>		
7. Disclose draft mitigation plan in a timely manner, before	Under the Environmental Notification (EIA Notification) the EIA	All relevant information about the project and details of socio-economic survey,	<b>Partial Equivalence.</b>	POWERGRID’s ongoing practice of using the local

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<p>appraisal formally begins, in an accessible place and in a form and language understandable to key stakeholders.</p>	<p>document is required to contain a '[d]escription] of mitigation measures incorporated into the project." (EIA Notification, Section 7, Appendix III)</p> <p>The regulatory authority is required to make the Draft EIA report available for inspection and a notified place during normal business hours prior to and up to the date of the public hearing and prior to Appraisal.<sup>4</sup> (EIA Notification 7(i)III(vi.)</p> <p>Another generic instrument available is the Right to Information Act, 2005. Although it is a</p>	<p>Rehabilitation Action Plan (RAP), IEAR etc. shall be available at the designated place (Public information Centre/library) of each substations and will be shared with the public or any interested persons whenever asked/required. (ESPP, Appendix XVIII<sup>5</sup>)</p> <p>The IEAR includes "measures...to either... avoid or mitigate...impact[s] and describes "the monitoring plan and...proposed organization support structure..." (Appendix XXXI)</p>	<p>POWERGRID's ESPP requirements on public disclosure of the IEAR is partially equivalent to the requirements of this Operational Principle to the extent that . The IEAR contains the elements of a draft mitigation plan and requires its disclosure in an accessible location (substation).</p>	<p>state language and dialects should be noted as part of Appendix XVIII on POWERGRID's Public Consultation Process.</p>

<sup>4</sup> Under the EIA Notification, Appraisal is defined as "the detailed scrutiny by the EAC/SEAC of the application and other documents, including the Final EIA report, outcome of public consultations, including public hearing proceedings submitted by the applicant to the regulatory authority concerned for grant of environmental clearance."

<sup>5</sup> This statement can be found in the electronic version of the ESPP posted on POWERGRID's website at 4-ESPPVol-II\_120405[1][.pdf However, it is not replicated in the hard copy of the ESPP.

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	more reactive instrument.		However it does not require that the IEAR be made available “in a form and language available to key stakeholders.”	

