

Annex 2A

Equivalence Matrix: Environmental Assessment

Objectives and Operational Principles on Environment Assessment per OP 4.00 Table A1	GoI Legal Framework	POWERGRID Environmental and Social Policy and Procedures (ESPP)	Gap Analysis POWERGRID ESPP	Recommended Gap-Filling Measures POWERGRID ESPP
<p>Policy Objective To help ensure the environmental and social soundness and sustainability of investment projects.</p> <p>To support integration of environmental and social aspects of projects into the decision making process.</p>	<p>The objectives of the OP 4.00 are supported by the Constitution of India which enjoins that the State shall endeavor to protect and improve the environment,¹ The Constitution makes it the fundamental duty of every citizen to “improve the natural</p>	<p>The ESPP (Preface) is intended “to provide a framework for identification, assessment and management of environmental and social concerns at both organizational and project levels within the adopted principles of avoidance,</p>	<p>Full Equivalence. The objectives of the ESPP are fully consistent with the Objectives of OP 4.00 with respect to EA and the integration of EA into the decision-making processes.</p>	<p>None.</p>

¹ The Constitution of India states that “the State shall endeavor to protect and improve the environment and to safeguard the forests and wildlife of the country” (Article 48-A)

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	<p>environment including forests, lakes, rivers, and wildlife and to have a compassion for living creatures.”²</p> <p>The Environmental (Protection) Act, 1986 (EPA) authorizes the Central Government “to take all measures as it deems necessary or expedient for the purpose of protecting and improving the quality of the environment and preventing,</p>	<p>minimization and mitigation.”</p>		

² Article 51-A (g)

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	<p>controlling and abating environmental pollution.” (Section 3(1). The EPA³ authorizes the activities of regulatory agencies, creates authorities and regulates pollutants, hazardous substances and includes deterrent penalties for those who endanger human environment, safety and health. However with exception of certain specialized Rules issued under the</p>			

³ See The Statement of objects and reasons of EPA

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	<p>EPA (dealing with ozone-depleting substances and used batteries) the provisions of the Act have limited applicability to the electrical transmission sector.⁴⁵</p> <p>The EIA Notification of 2006 requires prior environmental clearance by Central or State Government authorities, respectively for specified</p>			

⁴ EC is explicitly required for all POWERGRID activities (located in the environmentally sensitive Aravalli mountain range in the states of Rajasthan and Haryana pursuant to a MoEF Notification issued under the authority of EPA on November 29, 1999

⁵ Preamble to the Act.

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	categories of projects. However, the electrical transmission sector is not included specifically in the Schedule of activities subject to EIA Notification. ⁶			

⁶ Among the activities subject to EIA Notification that may appear to include electrical transmission is “aerial ropeways” which are classified as Category B and to be treated as Category A if located in whole or in part within 10 km from the boundary of: (1) Protected Areas notified under the Wild Life (Protection) Act of 1972; (ii) Critically Polluted areas a Notified by the Central Pollution Control Board from time to time(iii) Notified Eco-sensitive areas; [and] (1v) inter-State... and international boundaries;” (Note to EIA Notification Schedule). However under various Indian State laws “aerial ropeways” are not defined in a manner that would appear to include electrical transmission lines, although the environmental impacts would appear to be similar. For example the Bombay Aerial Ropeways Act, 1956 states that aerial ropeway " means a system of overhead ropes on which carriers are used for the purpose of carriage of passengers, animals or goods and includes posts, ropes, carriers, stations, offices, warehouses, workshops, machinery and other works used for the purposes of, or in connection with, and all land appurtenant to, such aerial ropeway.” Therefore electrical transmission lines, towers and substations do not fall within the definition of “aerial ropeways” as this term is used in the Environmental Notification.

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Operational Principles				
<p>1. Use a screening process for each proposed project, as early as possible, to determine the appropriate extent and type of environmental assessment (EA) so that appropriate studies are undertaken proportional to potential risks and to direct, and, as relevant, indirect, cumulative, and associated impacts. Use sectoral or regional environmental assessment when appropriate.</p>	<p>The EIA Notification provides for a screening process to determine whether proposed projects require Environmental Impact Assessment (EIA) and which require Environmental Clearance (EC) by the Ministry of Environment and Forests (MoEF) in addition to state-level authorities. Screening criteria referenced in the Schedule annexed to the EIA Notification</p>	<p>The ESPP requires POWERGRID to undertake EA for all projects as a standard management procedure. Under the ESPP Screening and Scoping are carried out during Project Conceptualization, the earliest stage in the project cycle, following Project Identification, Concurrence of Constituents, and Feasibility Studies and prior to seeking Preliminary</p>	<p>Full Equivalence. The ESPP is equivalent to the requirements of the operational principle for EA, i.e. that screening be undertaken for each proposed project early in the project cycle to determine the appropriate extent and type of EA proportionate to potential risks. The matrix of potential environmental and social risks identified by POWERGRID in the ESPP (Table 4.1 and Table 4.2) includes direct, indirect and associated risks (although these are not identified as such). However, the ESPP does not include any references to cumulative risks or for the need for sectoral or regional EA. However, it is not self-evident that cumulative impacts, or sectoral or regional EA are</p>	<p>None, unless it can be demonstrated that (1) POWERGRID’s activities are subject to EC and EIA Notification in designed “eco-sensitive zones” in addition to those referenced in the ESPP. (See footnote 10); (2) POWERGRID’s activities have cumulative impacts; or that (d) EA of POWERGRID projects would benefit from regional or sectoral EA. None of these potential gaps are self-evident.</p>

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	<p>establish thresholds based on the nature, scale and location of the proposed activities. (EIA Notification Schedule). Projects falling under “Category A” in the Schedule are referred to MoEF and to the State Environmental Impact Assessment Authority (SEIAA) for matters falling under “Category B” in the Schedule.</p> <p>The application form for EC references various forms of direct,</p>	<p>Approvals from POWERGRID’s Board of Directors and potential funding agencies. (ESPP, 3.2) Separate screening and scoping activities are undertaken for environmental and social impacts for both TLs and SS. (ESPP 5.1). The ESPP also includes an Environmental and Social Risk Framework that prioritizes risks for the purpose of selecting environmental and social management options (ESPP 5.8)</p>	<p>relevant to POWERGRID’s activities.</p>	

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	<p>indirect, associated and cumulative impacts. (Appendix I)</p> <p>The National Environment Appellate Authority (NEAA) Act, 1997 establishes the NEAA to deal with grievances of affected parties who have been denied clearances, including as a result of the screening process.</p>			
<p>2. Assess potential impacts of the proposed project on physical, biological, socio-economic and physical cultural resources,</p>	<p>The EPA, together with laws, rules and regulations issued</p>	<p>The ESPP identifies biological, socio-economic and</p>	<p>Partial Equivalence. The ESPP contains no specific provisions on the assessment of trans-boundary</p>	<p>The ESPP should provide for the assessment of trans-boundary environmental and social impacts in the context</p>

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including trans-boundary and global concerns, and potential impacts on human health and safety.	<p>under its authority, provides a framework for addressing potential impacts of proposed projects on physical, biological, socio-economic and physical cultural resources (PCR), including trans-boundary and global concerns, as well as potential impacts on human health and safety.</p> <p>Although the EPA has limited application to POWERGRID's activities sector,</p>	<p>physical cultural resource issues among the environmental and social impacts to be included in EA (ESPP 4.0-4.2. and Table 4.1.-4.3). PCR is cited with respect to meeting the previous World Bank Operational Policy Note on Cultural Property.⁷ (ESPP 2.2.). Global impacts are addressed through policies designed to reduce the use of ozone depleting substances (ODS) ..(ESPP 2.1.3.)</p>	<p>impacts. Trans-boundary impacts could be relevant in the case of a trans-border TL, as for example in the case of the Tala TL from Bhutan to West Bengal.</p> <p>With respect to ODS the ESPP needs to be updated per the EIA notification 2006 as well as more recent amendments in the EPA itself.</p>	<p>of applicable international environmental agreements. The ESPP should cite all GoI laws and regulations applicable to POWERGRID operations that are intended to implement international environmental agreements ratified by the GoI such as the: Convention on Biodiversity; Vienna Convention and Montreal Protocol on Protection of the Ozone Layer; World Heritage Convention; and when finalized, regulations designed to implement the Convention on Wetlands of International Importance (Ramsar)</p>

⁷ OPN 11.03 has since been revised and reissued as OP 4.11; the key elements of are incorporated as Objectives and Operational Principles for PCR in OP 4.00 Table A1.

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	<p>other environmental and social impact laws and rules do provide a legal basis to assess the potential impacts of POWERGRID's activities on physical, biological, socio-economic and physical cultural resources. With respect to impacts on physical, biological and physical cultural resources these include the Batteries (Management and Handling) Rules, 2001; the Hazardous Wastes</p>			

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	(Management and Handling) Amendment Rules, 2003; Ozone-Depleting Substances (Regulation and Control) Rules, 2000; the Indian Forest Act of 1927; the Forest (Conservation) Act of 1980; the Wildlife (Protection) Act of 1972, as amended; the Biological Diversity Act of 2002 (BDA) the BDA Rules (2003); the Antiquities and National Treasures Law of 1972 (ANTL); and the Ancient Monuments and			

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	<p>Archaeological Sites and Remains Act of 1958 (AMASRA) and accompanying Rules of 1959.</p> <p>With respect to socio-economic impacts, the Land Acquisition Act (LAA) includes some measures to calculate economic impacts of land acquisition on affected persons.</p>			

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<p>3. Assess the adequacy of the applicable legal and institutional framework, including applicable international environmental agreements, and confirm that they provide that the cooperating government does not finance project activities that would contravene such international obligations.</p>	<p>The Constitution empowers the Parliament to give legislative effect to international agreements. Article 253) .India has ratified numerous international agreements.⁸ Under Section 5 of the EPA Rules the Central Government “may take into consideration...w hile prohibiting or restricting the location of industries...proce sses and operations in different areas (viii) ...places</p>	<p>The ESPP provides an inventory of GOI laws, regulations and institutions that apply to POWERGRID’s activities and incorporates these legal and administrative requirements into its project preparation, implementation and monitoring process. To a limited extent, the ESPP also addresses the adequacy of the applicable legal framework by citing instances of particular laws and regulations</p>	<p>Partial Equivalence The ESPP does not reference any specific international environmental agreements to which the GOI is a party, and which consequently apply to POWERGRID through GOI implementing legislation.</p>	<p>POWERGRID should include in an Appendix to the ESPP a complete list of GoI laws and rules that apply to its activities. In addition to those already cited in the ESPP, these include:</p> <ul style="list-style-type: none"> • Indian Forest Act of 1927; • Biological Diversity Act of 2002; • Antiquities and National Treasures Law of 1972 (ANTL); and • Ancient Monuments and Archaeological Sites and Remains Act of 1958 (AMASRA) • as well as Rules designed to implement relevant provisions of these Acts. <p>POWEGRID should also include a list of relevant international environmental</p>

⁸ See footnote XXX in the text of the report for a complete list of international environmental conventions and agreements ratified by India.

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	<p>protected under any treaty, agreement or convention with any other country or countries or in pursuance of any decision made in any international conference, association or other body.”</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</p>	<p>that are not applicable to POWERGRID for technical reasons, but that POWERGRID voluntarily observes as part of its corporate environmental and social policy, such as EA requirements, ambient air and noise quality laws and regulations.</p>		<p>agreements ratified by the GOI.</p>

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	other related value.” (EIA Notification, Form 1)			
4. Provide for assessment of feasible investment, technical,	The EIA Notification	Under the ESPP alternative route	Partial Equivalence The ESPP is generally	With respect to alternatives assessment the ESPP

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<p>and siting alternatives, including the "no action" alternative, potential impacts, feasibility of mitigating these impacts, their capital and recurrent costs, their suitability under local conditions, and their institutional, training and monitoring requirements associated with them.</p>	<p>includes a section on "Analysis of Alternatives (Technology and Site) as part of the "Generic Structure of [the] Environmental Impact Assessment Document." It includes a description of each alternative; a summary of the adverse impacts of each alternative; mitigation measures proposed for each alternative and the selection of the alternative. (EIA Notification, Appendix III)</p>	<p>options for TLs and SS are reviewed during screening and scoping in consultation with relevant environmental and social impact authorities (ESPP 5.1.1-5.1.2) The criteria used to compare alternative TL routes and SS sites are described in the ESPP (Appendices XXV) and XXVI) The criteria include impacts and the feasibility of mitigating them, capital and recurrent costs as well as their</p>	<p>equivalent to the requirements of this OP. However the ESPP does not require consideration of institutional, training and monitoring requirements associated with each alternative. The ESPP makes no reference to the "no action" alternative.</p>	<p>should be revised to include consideration of institutional, training and monitoring requirements associated with each alternative as well as the "no action" alternative.</p>

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	<i>However, as noted above the electrical transmission sector is not subject to the provisions of the EIA Notification.</i>	suitability under local conditions.		
5. Where applicable to the type of project being supported, normally apply the Pollution Prevention and Abatement Handbook (PPAH) ⁹ . Justify deviations when alternatives to measures set forth in the PPAH are selected.	There is no GOI legal requirement that EA apply PPAH or other internationally recognized standards to the assessment of acceptable project environmental impacts. There is no specific GOI legislation regulating to the	Although the ESPP does not make reference to the PPAH or the ESH Guideline for Electrical Transmission and Distribution, the ESPP, together with other Standard Operational Procedures of POWERGRID, contains	Full Equivalence The ESPP, taken together with the POWERGRID's SOP, is generally equivalent to the recommendations contained in the EHS Guidelines with respect electrical transmission.	None.

⁹ The Industry Guidelines of the 1998 PPAH were replaced in 2007-08 with General and sector-specific Environmental Health and Safety Guidelines (EHS Guidelines)..

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	environmental impacts of electrical transmission projects that is comparable to the EHS Guideline for Electrical Transmission and Distribution. ¹⁰	numerous detailed provisions that are comparable to the recommendations contained in the EHS Guideline on Electrical Transmission and Distribution. ¹¹		
6. Prevent and, where not possible to prevent, at least minimize, or compensate for adverse project impacts and enhance positive impacts through environmental management and planning that includes the proposed mitigation measures, monitoring, institutional capacity development and training measures, an implementation schedule, and cost estimates.	The EIA Notification includes a requirement for detailed investigation of anticipated environmental impacts and mitigation measures including	Environmental mitigation training and monitoring requirements are described in considerable detail in the ESPP through the design, project implementation, operation and	Full Equivalence	None.

¹⁰ The EHS Guidelines include a specific guideline on Electrical Transmission and Distribution

¹¹ See Annex 8 of the main Report for a comparison of POWERGRID's environmental, health and safety procedures with the recommendations of the EHS Guideline for Electrical Transmission and Distribution

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	measures for minimizing and/or offsetting adverse impacts identified. It also includes requirements for an Environmental Monitoring Program (EMP), specifying the technical aspects of monitoring the effectiveness of mitigation measures including measurement methodologies, frequency, location, data analysis, reporting schedules, emergency procedures and detailed budget and procurement	maintenance and project review stages. (ESPP Chapters 4, 5 and 6 and accompanying tables and figures.		

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	schedules. (EIA Notification Annex III, Generic Structure of Environmental Impact Document).			
7. Involve stakeholders, including project-affected groups and local nongovernmental organizations, as early as possible, in the preparation process and ensure that their views and concerns are made known to decision makers and taken into account. Continue consultations throughout project implementation as necessary to address EA-related issues that affect them.	Under the EIA Notification, all Category A and Category B1 projects or activities are required to undertake Public Consultation with certain narrowly specified exceptions. Consultation includes two components: “(a) a public hearing at... or in close proximity to the site and b) written comments	The ESPP itself was developed through a process of stakeholder consultation, including project affected persons (PAPs), local communities. This process, which included consultations in all major regions of the country as well as on the national level, is described in Appendix XXXXVIII of the ESPP	Full Equivalence.	None.

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	<p>from concerned persons having a plausible take in the environmental aspects of the project.” (EIA Notification Section 7. III (i) and (ii))</p> <p>Detailed provisions for the “Procedure for Conduct of the Public Hearing” are include in the EIA Notification for the purpose of ensuring that the hearing “shall be arranged in a systematic, time bound and transparent manner ensuring widest possible public</p>	<p>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., ...concerned government agencies, local communities, individual landowners and employees and their involvement through a well-defined public</p>		

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	<p>participation...” (EIA Notification, Appendix IV 1.0) Towards these ends, the responsible State (or Union Territory) Pollution Control Board shall advertise the date, time and venue for the public hearing, [as well as the locations] where the public can access the draft EIA report and summary EIA report prior to the public hearing... in one major national daily and one regional vernacular daily.”(EIA</p>	<p>consultation process as well as dissemination of relevant information about the project at every stage of implementation.” (ESPP, Preface)...”During the EA process [the] public is kept informed at every stage of project execution and their views are respected in decision-making.” (ESPP2.2). In undertaking the Environmental Assessment and Management Plan (EAMP) POWERGRID consults with the</p>		

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	<p>Notification, Appendix IV 3.1-3.2). The EIA Notification provides that “every person present at the venue shall be granted an opportunity to seek information or clarifications on the project from the applicant. A summary of the hearing proceedings accurately reflecting all of the views and concerns expressed is to be recorded by a representative of the SPCB/UTPCC</p>	<p>public as well as with government agencies such as the Forest Department and revenue authorities (ESPP 5.4.3) Extensive details concerning POWERGRID’s public consultation process are provided in Appendix XVIII of the ESPP and it the Social Entitlement Framework as described in the sections on Involuntary Resettlement and Indigenous Peoples (below)</p>		

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	<p>and read over to the audience at the end of the proceeding explaining the contents in the vernacular language and the greed minutes are to be singed by the District Magistrate or representative on the same day and forwarded to the responsible SPCB/UTPCC. .”</p> <p>A Statement of the issues raised by the public and comments of the applicant are to be prepared in the local language and in English and annexed to the proceedings. The full</p>			

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	<p>proceedings of the public hearing are to “conspicuously displayed” at the office of the Panchayats within whose jurisdiction the project is located, the office of the Concerned Zila Parashad, District Magistrate and the SPCB/UTCC. (EIA Notification, Appendix IV 3.1-3.2, 5.0 and 6.0).</p> <p>The SPCB/UTPCC shall also display the proceedings on its website for general information and</p>			

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	any comments on the proceedings which may be sent directly to the concerned.			
8. Use independent expertise in the preparation of EA where appropriate. Use independent advisory panels during preparation and implementation of projects that are highly risky or contentious or that involve serious and multi-dimensional environmental and/or social concerns.	Under the EIA Notification, all Category A projects require prior EC from the MoEF on the recommendations of an Expert Appraisal Committee (EAC) to be constituted by the Central Government for this purpose. (EIA Notification 4.(ii)) Likewise, Category B projects require prior EC from the	The ESPP itself was reviewed by an independent committee (IC) constituted by POWERGRID, consisting of eminent environmentalists, social scientists and representatives of multilateral funding agencies. The role of the IC in developing the ESPP is highlighted in the Preface and Public Consultation Section of the ESPP.	Partial Equivalence An IC was established to participate in the development of the ESPP but the ESPP does not state that the IC has continuing authority to provide expert opinion on individual projects and is not made clear in the IC's ToR.	The ESPP should clarify the role of the Independent Expert Committee in advising POWERGRID on project implementation, particularly for complex projects.

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	<p>State/Union Territory Environmental Impact Assessment Authority based on the recommendation of a State or Union territory level EAC (SEAC) constituted for this purpose. (EIA Notification 4.(iii))</p> <p>The EACs and SEACs are also responsible for determining the Terms of Reference (ToR) for each EIA based on the information provided in the prescribed</p>	<p>The ToR for POWERGRID's IC provides for on site visits to complex projects and specifies the membership of the IC. However, neither the ToR for the IC nor the continuing role of the IC in providing advice to POWERGRID on projects is not cited in the ESPP.</p>		

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	<p>application form, the ToR proposed by the applicant and, and, if necessary. (EIA Notification 7(i)(II)(i),</p> <p>The EIAA, SEIAAs, EACs and SEACs are statutory and independent authorities. This ensures the independent nature of the assessments and advice they provide .</p>			
9. Provide measures to link the environmental assessment process and findings with studies of economic, financial, institutional, social and technical analyses of a proposed project.	The EIA Notification provides several linkages between EA and socio-economic impacts that are	The ESPP goes to considerable effort to link the EA process with the project cycle and integrate its findings into	Full Equivalence. The ESPP provides complete equivalence with this Operational Principle.	None.

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	<p>built into the EA process</p> <p>For example, the requirement for “Additional Studies” as part of the Generic Structure of Environmental Impact Assessment Document includes the “Social Impact Assessment and the R & R Action Plans”- Economic . (EIA Notification, Appendix III: 7)¹²</p>	<p>concurrent feasibility studies, route and site surveys, social assessments and related government approval mechanisms. (ESPP Chapters 3, 4 and 5, Appendices V, and XXIV</p>		

¹² See also (EIA Notification, Form 1: 1.28 and 3. and Checklist of Environmental Impacts includes “Socio-Economic Aspects” including demographic changes, and any adverse effect on local communities and safeguards proposed.” (EIA Notification, Appendix II, paras. 7.1-7.3.

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10. Provide for application of the principles in this Table to sub-projects under investment and financial intermediary activities.	Neither the EPA nor the EIA Notification distinguish projects and sub projects.	The ESPP does not distinguish between projects and subprojects (i.e. project components).	Full Equivalence. ¹³	None.
11. Disclose draft EA in a timely manner, before appraisal formally begins, in an accessible place and in a form and language understandable to key stakeholders.	Under the Environmental Notification, the regulatory authority and the State or Union Territory Pollution Control Board (SPCB or UTPCC) is required to make	As noted above with respect to public consultation, the ESPP commits POWERGRID to “ensure total transparency in dealing with all...stakeholders - i.e., ...concerned	Partial Equivalence. Although the ESPP provides for extensive disclosure of project information during public consultation it does not specify any procedures for disclosure of EA documents per se.	The ESPP should outline specific provisions for timely disclosure of the Initial Environmental Impact Report prepared by POWERGRID in a form and language understandable to key stakeholders. This is generally consistent with POWERGRID’s current practice of disclosing its Initial and Final

¹³ Ibid.

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	<p>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.¹⁴ The summary EIA report in a given format is also required to be placed on the website of the SPCB or UTPCC as the case may be. (EIA Notification 7(i)III(vi.)</p>	<p>government agencies, local communities, individual landowners and employees and their involvement through a well-defined public consultation process as well as dissemination of relevant information about the project at every stage of implementation.” (ESPP, Preface)</p> <p>The public disclosure aspects of POWERGRID’s public</p>		<p>Environmental Assessment Reports on its website and making them available at public information offices located at its substations. POWERGRID’s ongoing practice of using local language and dialects should be noted as part of Appendix XVIII on POWERGRID’s Public Consultation Process.</p>

¹⁴ 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.”

Objectives and Operational Principles on Environment Assessment per OP 4.00 Table A1	GoI Legal Framework	POWERGRID Environmental and Social Policy and Procedures (ESPP)	Gap Analysis POWERGRID ESPP	Recommended Gap-Filling Measures POWERGRID ESPP
		<p>consultation process are described in detail in a dedicated Appendix to the ESPP</p> <p>Disclosure includes information on locations of substations, use of local media (including at least one in the local language), physical displays, field offices and local officials, as well as public meetings, informal small group meetings; information brochures and pamphlets; and local site visits by</p>		

Objectives and Operational Principles on Environment Assessment per OP 4.00 Table A1	GoI Legal Framework	POWERGRID Environmental and Social Policy and Procedures (ESPP)	Gap Analysis POWERGRID ESPP	Recommended Gap-Filling Measures POWERGRID ESPP
		POWERGRID staff to disclose details of proposed projects to PAPs. (ESPP Appendix XVIII)		