

ANNEXURE-VI

Environmental and Social Clauses to be included in the Bid document under Technical Specification (wherever applicable and specified)¹**Definitions:**

“Debris Disposal Plan” a set of measures to be implemented by the Contractor for disposal of debris and wastewater at designated sites, without causing any adverse impact to the environment, and to the satisfaction of the Engineer and of any authority or person with an interest in land into which water and waste products may be discharged, without limitation to the Contractor’s general obligations.

“Environmental Code of Practices” means the guidelines to be followed by the Contractor as set out in Environmental Management Framework, towards environmental management in performing the Services or Works.

“Environmental Screening Format” is set of basic information collected on environmental aspects of the proposed scheme during planning stage by the Engineer, through field survey and community consultation, to identify potential environmental risks associated with performing the contract.

‘Environment Management Framework’ sets out the principles, rules, guidelines and procedures to assess the environmental impacts. It contains measures and plans to reduce, mitigate and/or offset adverse impacts and enhance positive impacts, provisions for estimating and budgeting the costs of such measures, and information on the agency or agencies responsible for addressing project impacts.

‘Environmental Management Plan (EMP)’ – A set of mitigation measures identified by the Engineer during the planning stage, and to be implemented by the Contractor during the contract period as per the Environmental Management Framework.

“Silt Disposal Plan” a set of measures to be implemented by the Contractor for disposal of silt at designated sites, without causing any adverse impact to the environment, and to the satisfaction of the Engineer and of any authority or person with an interest in land into which silt may be discharged, without limitation to the Contractor’s general obligations.

Conditions of Contract:**Where Specified,**

1. The Contractor shall prepare and include Debris Disposal Plan, Silt Disposal Plan and Environmental Management Plan (EMP) in Contract Document, endorsed by the Engineer and follow Environment Management Framework, and follow Environmental Code of Practices as per Indian legislation the World Bank guidelines agreed in the project.

¹ (for projects Rs.8 crore and 10% of packages, covering 20% of sites randomly sampled)

2. The Engineer shall be responsible for providing complete and approved Environmental Screening Format along with categorization of works.
3. The Contractor shall be responsible for preparing and submitting the Debris Disposal Plan, Silt Disposal Plan and Environmental Management Plan as part of the Contract works execution document at the start of Works.
4. The Engineer shall be responsible for reviewing and approving the Debris Disposal Plan, Silt Disposal Plan and Environmental Management Plan submitted by the Contractor before start of Works.
5. In cases where mandated as per law, the Engineer shall be responsible for necessary environmental clearances as per Environment (Protection) Act, 1986, of MoEFCC, section 3, sub-section (ii). Environmental clearances are required from Central Government in MoEFCC for all Category A/Category 1 projects and at the State level from State Environmental Impact Assessment Authority (SEIAA) for matters falling under Category B/Category 2 as per the Schedule. The necessary clearances are included in Schedule 1.
6. The Engineer shall be responsible to provide the Contractor the list of authorized borrow pits, silt disposal sites and waste disposal sites. The list is included in Schedule 1.
7. The Contractor shall be responsible for providing the list and permits for all heavy equipment and machinery to be deployed on site to the Engineer before start of Works. It shall be the responsibility of the Contractor to ensure that the permits are not expired for the entire duration of the Contract.

Compliance with Labour Regulations:

During continuance of the contract, the Contractor and his sub-contractors shall abide at all times by all existing labour enactments and rules made thereunder, regulations, notifications and bye laws of the State or Central Government or local authority and any other labour law (including rules), regulations, bye laws that may be passed or notification that may be issued under any labour law in future either by the State or the Central Government or the local authority. Salient features of some of the major labour laws that are applicable to construction industry are given below. The Contractor shall keep the Employer indemnified in case any action is taken against the Employer by the competent authority on account of contravention of any of the provisions of any Act or rules made thereunder, regulations or notifications including amendments. If the Employer is caused to pay or reimburse, such amounts as may be necessary to cause or observe, or for non-observance of the provisions stipulated in the notifications/bye laws/Acts/Rules/regulations including amendments, if any, on the part of the Contractor, the Engineer/Employer shall have the right to deduct any money due to the Contractor including his amount of performance security. The Employer/Engineer shall also have right to recover from the Contractor any sum required or estimated to be required for making good the loss or damage suffered by the Employer.

The employees of the Contractor and the Sub-Contractor in no case shall be treated as the employees of the Employer at any point of time. In addition to the compliance of labour laws in

force, the Contractor shall also be responsible for ensuring that the applicable code of conduct for workers is followed at working place and camps.

Code of Conduct for Labour Population

As a part of Code of Conduct prescribed for labour population involved in construction activities, the following norms are to be followed:

- There should not be any adverse interaction of the labour with the local community.
- Labour population shall not extract any resources from the village without the concurrence of the community, outside the project area.
- Project area shall be completely and effectively demarcated.
- It shall be ensured that no labour, other than people from local community, are allowed to enter the villages, if objected to by the villagers, outside the project area by any means unless he/she is permitted by the competent authority designated by the project for this purpose.
- No such permission shall be granted unless the person is proceeding on bonafide work relating to the project activities or essential living functions.
- Essential interaction with the local population will take place only with the consultation of local administration, panchayat leaders and such movements regulated.
- All workers / officers shall be provided with the identity card.
- Strict action shall be taken against the worker not adhering the norms and regulations.
- Contractor shall be responsible for the implementation of the aforesaid policy.
- A committee with participant of local leaders/prominent person shall be constituted to deal with the problems arising due to any illegal activities by the workers.

Salient Features of Some Major Labour Laws Applicable to Establishments Engaged in Building and Other Construction Work

(The law as current on the date of bid opening will apply)

- Workmen Compensation Act 1923.
- Payment of Gratuity Act 1972.
- Employees P.F. and Miscellaneous Provision Act 1952 (*since amended*).
- Maternity Benefit Act 1951.
- Contract Labour (Regulation & Abolition) Act 1970.
- Minimum Wages Act 1948.
- Payment of Wages Act 1936.

- Equal Remuneration Act 1979.
- Payment of Bonus Act 1965.
- Industrial Disputes Act 1947.
- Industrial Employment (Standing Orders) Act 1946.
- Trade Unions Act 1926.
- Child Labour (Prohibition & Regulation) Act 1986.
- Inter-State Migrant workmen's (Regulation of Employment & Conditions of Service) Act 1979.
- The Building and Other Construction workers (Regulation of Employment and Conditions of Service) Act 1996 and the Cess Act of 1996.
- Factories Act 1948

Protection of Environment:

The Contractor shall take all reasonable steps to protect the environment on and off the Site and to avoid damage or nuisance to persons or to property of the public or others resulting from pollution, noise or other causes arising as a consequence of his methods of operation, including adopting working practices that prevent or minimize the transfer of any pollutant off-site; maintaining the access roads in good repair; using appropriate dust suppressant methods; restricting trucking and loud machinery and equipment use to daylight hours; using mufflers, silencers and other appropriate methods to minimize the noise of the construction; using "silt fencing", hay bales, silt traps or other methods to minimize soil erosion and prevent the contamination of surface water and the transportation of soil and sediment off-site onto adjacent properties; and maintaining clean sites that are free of garbage and debris, except the disposal area. The Contractor shall, at all times during the Contract, ensure that the Environment Management Framework and/or Environmental Management Plan is followed.

The Contractor shall ensure that execution of the Contract does not cause loss or degradation of natural habitats, forests, wetlands, wildlife or protected areas.

The Contractor shall use borrow pits identified/approved by the Engineer. The Contractor shall be responsible for the rehabilitation of the borrow area. Debris resulting from the works undertaken under the Contract shall be disposed at sites identified by the Engineer in the Environmental Screening Format and Schedule 1.

During continuance of the contract, the contractor and his sub-contractors shall abide at all times by all existing enactments on environmental protection and rules made thereunder, regulations, notifications and bye-laws of the State or Central Government, or local authorities and any other law, bye-law, regulations that may be passed or notification that may be issued in this respect in future by the State or Central Government or the local authority.

Some of the applicable major laws are given below:

- The Water (Prevention and Control of Pollution) Act, 1974

- The Air (Prevention and Control of Pollution) Act, 1981
- The Environment (Protection) Act, 1986
- The Public Liability Insurance Act, 1991
- The Forest Conservation Act, 1980
- Wildlife (Protection) Act, 1972
- Wetland (Conservation and Management) Rules 2010

Disposal of silt

In cases of large scale silt disposal, The Contractor shall be responsible for submitting Silt Disposal Plan. The Silt Disposal Plan shall include, but not limited to, the section details of earthwork for every kilometer of earthwork; quantities of earthwork in cut, fill and disposal; schedule for testing and disposal of dredged silt; ensure that in no way the eco-sensitive zone is disturbed if the Works are in such a zone; and follow ECoPs.

In case of wet river dredging, The Contractor shall ensure that:

The Contractor shall ensure that:

- (i) Dredgings are not deposited on different inland water or deposit dredgings from any other waters so as to prevent spread of contaminations or invasive non-native species.
- (ii) Dredgings that are of hazardous waste are not deposited on any inland waters.
- (iii) Dredgings are treated other than by screening or removing water.
- (iv) Not more than 50 cubic meter of silt is treated or deposited for each meter length of land on which waste is deposited.
- (v) The silt shall be disposed on sites as close as possible to the dredging site. The dredgings must be removed from the waterway and deposited mechanically on one operation. The dredgings shall not be deposited on the bank then moved further to disposal sites.

Contractor to Construct for the Works

In case the camp on the site exceeds 90 days, The Contractor shall assure the following facilities and conditions on site for the duration of the Contract:

- (i) Submit a detailed layout plan for development of the construction camp, indicating the various structures to be constructed including the temporary structures to be put up, site roads, drainage, lighting and other facilities. The layout plan shall be approved by the Engineer.
- (ii) Provide potable water for construction site personnel and general cleaning in addition to any required for the construction, testing and completion of the Contract.
- (iii) Install, operate, maintain and subsequently remove temporary supplies in addition to supplies required for testing and completion the Works.
- (iv) Erect, construct, maintain and subsequently remove all temporary accommodation necessary to for the efficient conduct and self-supervision of the Contract.
- (v) Install, operate, maintain and subsequently remove temporary electricity supplies in addition to supplies required for testing and completion the Works.
- (vi) Before starting work, instruct all employees the necessity for pollution prevention and following environmental, health & safety laws and practices. Any employee or Contractor's representative polluting or fouling the Site shall be immediately dismissed and removed from the Site. No medically unsuitable persons may be

employed in or around Site. Arrangements for employees to be examined and tested in the manner approved by the Employer's medical officer shall be made as necessary.

Safety

The Contractor shall be responsible for the health and safety of its employees and sub-contractors working on the Site. During the Contract Period, the Contractor shall develop and implement a comprehensive occupational health and safety program for the protection of the Contractor's Personnel and all other persons who may attend at the project areas in guidance with, but not limited to, ECoPs. The program shall include a description of how the Contractor will:

- a. carry out all occupational health and safety responsibilities in respect of the Project as required under the Applicable Law and the World Bank Group's Health & Safety standards;
- b. develop and manage all required occupational health and safety reporting procedures; and
- c. manage all occupational health and safety claims.

Any accidents or deaths on the site need to be reported to the Engineer along with the incident report within 24 hours. The victims shall be provided immediate medical care and compensation as per the applicable labor laws.

Physical and Cultural Property:

Anything of historical or other interest or of significant value unexpectedly discovered on the Site is the property of the Archeological Survey of India. The Contractor is to notify the Engineer of such discoveries and carry out the Engineer's instructions for dealing with them.

The Contractor shall take reasonable precautions to prevent its employees, agents, representatives, Sub-contractors, or other persons from removing or damaging any fossils, coins, articles of antiquity, and structures and other remains or things of religious, geological or archaeological interest at the Site. The Contractor shall, immediately upon discovery of such article or thing, shall inform the Engineer, the Employer and Archeological Survey of India. The Engineer may issue instructions for dealing with the findings. All fossils, coins, articles of value or antiquity, and structures and other remains or things of religious, geological or archaeological interest discovered on the Site shall be the property of Archeological Survey of India. Any such findings shall be managed as per the Ancient Monuments and Archaeological Sites and Remains Act 1958.

If the Contractor suffers delay or incurs any damages or costs in following any instructions of the Engineer for dealing with the findings, the Contractor shall give notice to the Engineer, with a copy to the Employer. After receipt of such notice, the Engineer shall determine if the Contractor is entitled to any extension of time or any compensation for such damages or costs and shall notify the Contractor accordingly.

Schedule 1

1. Approved Environmental Screening Format – *to be inserted by Engineer*
2. List of authorized borrow pits along with necessary permits - *to be inserted by Engineer*
3. List of silt disposal sites along with necessary permits - *to be inserted by Engineer*
4. List of debris disposal sites along with necessary permits - *to be inserted by Engineer*
5. Environmental Code of Practices (ECoPs) – applicable ECoPs -*to be inserted by Engineer*