

F. No. J-11013/12/2013-IA-II (I) (part)

Government of India

Ministry of Environment, Forests and Climate Change

IA Division

Paryavaran Bhawan,
C.G.O Complex, Lodhi Road,
New Delhi-110 003



Dated the 19th June, 2014

OFFICE MEMORANDUM

Subject: Consideration of projects for grant of environment clearance under EIA Notification, 2006, which involve forestland-procedure to be followed-further clarifications-regarding.

The Hon'ble Supreme Court judgement dated 6th July 2011 in Writ Petition (C) No. 202 of 1995 in Lafarge case pronounced *inter-alia* that the environment clearances in respect of projects involving forest land will only be granted after the Project Proponent obtains Stage-I forestry clearance in respect of the forest land involved in the project. The Court order states that these guidelines are required to be given so that *fait accompli* situations do not recur.

2. As per procedure being followed in the Ministry, the environment clearance and forest clearance cases are processed in parallel in the Ministry of Environment and Forests, as these clearances are issued under different statutes i.e., Environment Impact Assessment (EIA) Notification, 2006 issued under Environment (Protection) Act, 1986 and Forest (Conservation) Rules, 2003 and Guidelines issued under Forest (Conservation) Act, 1980. The Office Memorandums No.J-11013/41/2006-IA.II(I) dated 09.09.2011 and 18.05.2012 issued by the Ministry elaborate on the procedure for dealing with environment clearance cases involving forest land and stipulate that in case Stage-I forest clearance is not obtained within 18 months of approval of environmental clearance, in that eventuality, after the submission of Stage-I clearance, such proposals would be referred to Expert Appraisal Committee for having a re-look on the proposal on case by case basis depending on the environmental merits of the project and the site.

3. The matter has been further examined in the Ministry and it is felt that the clause of 18 months ceiling in above said Office Memorandum needs to be reviewed. It may be noted that another Office Memorandum No. J-11013/41/2006-IA.II(I) dated 22.03.2010, prescribing outer limit for the validity period of Terms of Reference (TORs), *inter alia* stipulates that the primary data in the EIA/ EMP report submitted after public consultation

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should not be more than three years old. It would be logical to stipulate similar criteria in Office Memorandum dated 18th May, 2012.

4. Thus it has been decided to substitute para 3(iii) of the Office Memorandum dated 9th September, 2011 as amended on 18th May, 2012, with the following:

" (iii) In the eventuality that the state-I forestry clearance is not submitted by the project proponent within the prescribed time limit mentioned at para (ii) above, as and when the stage-I forestry clearance is submitted thereafter, such project would be referred to EAC for having a relook, in case the primary data used in preparation of EIA report is more than three years old. In such a situation, the EAC may get the fresh data collected and on that basis and after due diligence, either reiterate its earlier recommendations, or decide for reappraising the project proposal on account of valid reasons, as the case may be. In case it is decided to reappraise the project, the Committee may also decide on the requirements of documents/information for reappraisal as also the need for a fresh public hearing."

5. This issues with the approval of the competent authority.


(Dr. Satish C. Garkoti)
Director

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2. Chairperson/ Member Secretaries of all the SEIAAs/SEACs
3. Chairman of all the Expert Appraisal Committees
4. Chairman, CPCB
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