

**No.J-11013/41/2006-IA-II(I)(Part)**  
Government of India  
Ministry of Environment, Forests and Climate Change  
Impact Assessment Division

.....  
Indira Paryavaran Bhawan,  
Jor Bagh Raod, Aliganj  
New Delhi-110 003

Dated the 7<sup>th</sup> November, 2014

**OFFICE MEMORANDUM**

**Subject: Issues on Appraisal- clarification regarding.**

The Ministry of Environment, Forests and Climate Change, vide Office Memoranda of even No. dated 22.03.2010, 22.08.2014 and 08.10.2014 prescribed a time limit for validity of Terms of Reference (TORs) for a period of three years for submission of EIA and EMP reports after public consultation and also that this period would be extendable to fourth year, based on proper justification and recommendation of the EAC/SEAC, as the case may be. Thus an outer limit of four years for the validity of TORs has been prescribed for any developmental project, except River Valley and HEP Projects, where the outer limit validity of TOR is five years. The aforesaid Office Memoranda also clarified that the date of public hearing and the primary data used in preparation of EIA / EMP report submitted after public consultation should not be more than three years old and in case these conditions are not met, the proponent will have to start the process *de novo* after obtaining fresh TORs.

2. The matter has been further examined in the Ministry in the light of decision taken as part of clearance reform and it is felt that it would not be logical to start the process of environment clearance *de novo* including taking fresh Terms of Reference (TORs), if the base line data collected for preparation of EIA / EMP report and/or public consultation are more than three years old.

3. Thus it has been decided to substitute para 2(v) of the above referred Office Memorandum No. J-11013/41/2006-IA.II(I) (part) dated 22.08.2014 with the following:

“(v)

- (a) All the projects which have been recommended by the Expert Appraisal Committee (EAC) shall be considered by the Competent Authority even if the data collected has become more than three years old as the ToRs itself used to have three years validity and extendable by one more year.

- (b) All the projects where the project proponent have already submitted their EIA/EMP Report for consideration by the EAC though the cases have still not been placed before the EAC and meanwhile the data had become more than three years old, shall be considered for the same reason as given in the para (a) above.
- (c) In case of project proponent seeking Environment Clearance for expansion of the existing unit but had committed certain violation and the project proponent has submitted all the information and details but the State has not filed case under Section 15/19 of Environment (Protection) Act, 1986, such cases shall also be considered by the Authority, as the project proponent is not at fault."
4. The earlier Office Memorandum dated 22.08.2014 may be treated as amended to this an extent. The other stipulations stated in the Office Memorandum dated 22.08.2014 will continue to apply.
3. This issues with the approval of the Competent Authority.

  
(Dr. Satish C. Garkoti)  
Scientist 'F'

**Copy to:**

1. All the officers of IA Division
2. Chairperson/ Member Secretaries of all the SEIAAs/SEACs
3. Chairman of all the Expert Appraisal Committees
4. Chairman, CPCB
5. Chairpersons/ Member Secretaries of all SPCBs/ UTPCCs

**Copy for information:**

1. PS to MOS(Independent Charge)
2. PPS to Secretary(BF&CC)
3. PPS to AS(SS)
4. PS to JS(MKS)
5. Website, MoEF&CC
6. Guard File