

F.No. IA3-22/10/2022-IA.III [E 177258]

Government of India
Ministry of Environment, Forest and Climate Change
(Impact Assessment Division)

Indira Paryavaran Bhawan
Jor Bagh Road, Aliganj
New Delhi – 110003

Dates: 11th April, 2022

OFFICE MEMORANDUM

Sub.: Clarification on calculating the validity of prior Environmental Clearance (EC) granted under the provisions of EIA Notification 2006, which involve forest land – Regarding.

The Ministry has been making continuous efforts to streamline the procedure to be followed for consideration of projects involving forest land, for prior EC, by issuing various OMs from time to time.

2. The Hon'ble Supreme Court judgment in W.P (C) No. 202 of 1995 in the Lafarge case pronounced inter-alia that the EC in respect of projects involving forest land will only be granted after the project proponent obtains Stage-I Forest Clearance (FC) in respect of the forest land involved in the project, so that *fait accompli* situation does not arise. In line with the directions of the Hon'ble Supreme Court, the Ministry grants EC only after the grant of Stage-I FC, even while the projects/activities get appraised in anticipation of grant of FC.

3. As per the provisions of the Forest (Conservation) Act, 1980, the FC for the forest land is granted in two stages i.e., (a) In-principle or Stage-I approval, and (b) Stage-II approval on compliance of the conditions of Stage-I approval. The project proponent can start the work at site only after getting the Stage-II FC in addition to the other statutory permissions/ approvals under the various Acts/Rules.

4. In this regard, especially in the context of large projects such as hydro power projects which involve large forest areas considerable time may get consumed in obtaining Stage-II FC and the project proponent may be unable to implement the project/activity within the validity period of the EC and may be constrained to approach the Ministry for extension of the validity of EC, and in some cases may be even compelled to start the EC process *de novo*.

5. The matter has been examined in the Ministry and it has been observed that there is a need to rationalise the impact of the time taken in obtaining Stage –II FC, on the validity of EC. In this context, it has been decided that the time taken for obtaining stage-II FC, after the grant of EC, may not be considered as a part of the

EC validity up to a maximum period of two years, so as not to compromise with the environmental safeguards.

6. In this regard, it is hereby directed that, for the projects which involve forest land and require Stage-I and Stage-II FC under the provisions of the Forest (Conservation) Act, 1980, the validity period of the prior EC granted [after stage-I FC], shall be reckoned from the date of grant of Stage-II FC, or a maximum period of two years, whichever is less.

7. This is issued with the approval of the Competent Authority.


(A.K. Agrawal)
Director

To

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2. Chairperson/ Member Secretaries of all Expert Appraisal Committees
3. Chairperson/Member Secretaries of all SEIAAs/SEACs
4. Chairperson/Member Secretaries of all State / UT Pollution Control Boards
5. All Officers of IA Division

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