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No. J-11013/41/2006-IA.II(I)
Government of India
Ministry of Environment & Forests

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New Delhi-110003.
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Dated the 9th September, 2011

OFFICE MEMORANDUM

Sub: Consideration of projects for grant of environment clearance under EIA Notification, 2006, which involve forestland – Procedure to be followed – further clarifications - Regarding.

Ministry of Environment & Forests had earlier issued an office memorandum vide no. J-11015/200/2008-IA.II(M) dated 31.3.2011 prescribing the procedure to be followed for consideration of projects for environmental clearance, which involve forestland.

2. Based on the experience gained in implementation of the instructions contained in the above referred O.M. and taking into consideration the inputs / feedback received from various stakeholders as also in light of the judgment of the Hon'ble Supreme Court dated 6.7.2011 in the IA No. 1868, 2091, 2225-2227, 2380, 2568 & 2937 in W.P. No. 202 of 1995 – T.N. Godavarman Thirumulpad Vs. UOI & Ors in Lafarge Mining / Forest case, the matter has been further considered.

3. Now, therefore, in partial amendment of the above referred O.M. dated 31.3.2011, it has been decided that the following procedure shall be adopted for consideration of projects for environmental clearance, which involve forestland:

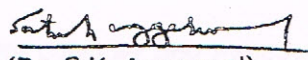
- (i) At the stage of consideration of proposals for TOR in respect of the projects involving forestland, the project proponents would submit a credible proof in support of the fact that they have already submitted their application to the concerned Competent Authority for diversion of the forestland involved in the project.
- (ii) At the stage of consideration of proposals for EC in respect of projects involving forestland, the project proponent would inform the respective EACs about the status of their application for forestry clearance along with necessary supporting documents from the concerned Forest Authorities. It will clearly be informed to the EAC whether the application is at the State level or at the Central level. The EAC will take cognizance of the involvement of forestland and its status in terms of forestry clearance and make their recommendations on the project on its merits. After the EAC has recommended the project for environmental clearance, it would be processed on file for obtaining decision of the Competent Authority for grant of environmental clearance. In the cases where the Competent Authority has approved the grant of environmental clearance,

the proponent will be informed of the same and a time limit of 12 months, which may be extended in exceptional circumstances to 18 months, a decision on which will be taken by the Competent Authority, will be given to the proponent to submit the requisite stage-I forestry clearance. The formal environmental clearance will be issued only after the stage-I forestry clearance has been submitted by the proponent.

- (iii) In the eventuality that the stage-I forestry clearance is not submitted by the proponent within the prescribed time limit mentioned at para (ii) above, the proposal for environmental clearance will stand rejected and the entire process of obtaining environmental clearance will have to be initiated de-novo as per the procedure prescribed under EIA Notification, 2006.

4. The requirement of information / data / documents for such projects as specified in office memorandum no. J-11013/41/2006-IA.II(I) dated 26.4.2011 will, however, continue to be completely followed .

This issues with the approval of the Competent Authority.


(Dr. S.K. Aggarwal)
Director.

To

1. All the Officers of IA Division
2. Chairpersons / Member Secretaries of all the SEIAAs/SEACs
3. Chairman, CPCB
4. Chairpersons / Member Secretaries of all SPCBs / UTPCCs

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