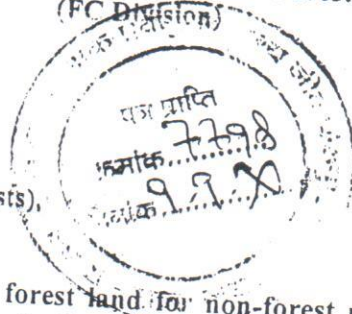


F. No. 5-3/2007-FC (Pt)
Government of India
Ministry of Environment & Forests
(FC Division)

150

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 110510.
Dated: 19th August, 2010

To
The Principal Secretary (Forests),
All States/UTs.



Sub:- Guidelines for diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 - clarification regarding forest areas outside National Park / sanctuary but within 10 km radius from the boundary - reg.

Sir,

The Ministry has been receiving representations from various project proponents and State Government seeking directions / clarifications regarding rules and regulations to be followed for prior approval under section 2 of the Forest (Conservation) Act, 1980 to forest areas outside National Park / sanctuary but within 10 km radius from their boundary.

The matter has been examined in the Ministry in the light of Hon'ble Supreme Court order dated 4th Dec, 2006 in I.A. No. 460 of 2004, *inter-alia*, directing that all cases where environmental clearance (EC) under EIA Notification, 2006 has been given by the Ministry be put up to the Standing Committee of National Board of Wildlife. Accordingly, the environmental clearances to the projects coming within 10 km from the boundary are being granted with the condition to obtain recommendation of the Standing Committee of National Board of Wildlife as one of the stipulations.

I am further directed to inform that in case of those projects, which require environmental clearance under EIA Notification, 2006 and also involve diversion of forest land for non-forest purposes falling within 10 km of National Park/Sanctuary will have to be placed before the Standing Committee of the National Board of Wild Life as per this Ministries Office memorandum no. J-11013/41/2006-IA.II(I) dated 02.12.2009 (copy enclosed).

In view of the above, I am directed to inform that the decision of the Central Government for prior approval under section 2 of the Forest (Conservation) Act, 1980 will be conveyed to the State/UT Governments with the stipulation that the EIA for the case, wherever required, be placed before the Standing Committee of the NBWL.

Yours faithfully,

(C.D. Singh)

Sr. Assistant Inspector General of Forests

Copy to:-

1. The Principal Chief Conservator of Forests, All States / UTs.
2. The Chief Wildlife Wardens, All States / UTs.
3. The Nodal Officer (FCA), O/o the PCCFs, All States / UTs.
4. All Regional Offices of this Ministry / RO (HQ), MoEF, New Delhi.

Proposed

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

Paryavaran Bhavan,
C.G.O. Complex, Lodi Road,
New Delhi-110003.
Telefax: 24362434

(M/S/W)
Dec 04/2009

Dated the 2nd December, 2009

OFFICE MEMORANDUM

Sub: Procedure for consideration of proposals for grant of environmental clearance under EIA Notification, 2006, which involve forestland and or wildlife habitat – Regarding.

The issue regarding the procedure to be followed for consideration of proposals for grant of environmental clearance under EIA Notification, 2006, which involve forestland and or wildlife habitat has been under consideration of this Ministry. The issue has been discussed and deliberated at length and the provisions of EIA Notification, 2006 as contained in para 8 (v) of the said notification have also been considered.

2. It has now been decided that the following procedure shall be adopted in dealing with such cases.

- (i) The proposals for environmental clearance will not be linked with the clearances from forestry and wildlife angle even if it involves forestland and or wildlife habitat as these clearances are independent of each other and would in any case need to be obtained as applicable to such projects before starting any activity at site.
- (ii) While, considering such proposals under EIA Notification, 2006, specific information on the following should be obtained from the proponent:
 - (a) Whether the application for diversion of forestland involved in the project has been submitted? If so, what is the status of grant of forestry clearance? It would be essential that in such cases, the application for diversion of forestland has been submitted by the project proponent before they come for environment clearance and a copy of the application submitted for forestry clearance along with all its enclosures should also be submitted by the proponent along with their environment clearance application.
 - (b) Information about wildlife clearance, as applicable to the project should also be obtained. The project proponent should submit their application for wildlife clearance / clearance from Standing Committee of the National Board for Wildlife to the Competent Authority before coming for environment clearance and a copy of their application should be furnished along with environment clearance application.
- (iii) The proposal from environmental angle will be appraised by the respective Expert Appraisal Committee and recommendations made on the same which will be processed by the IA Division and approval obtained from the Competent Authority. However, while granting environmental clearance to projects involving forestland, wildlife habitat (core zone of elephant/tiger reserve etc.) and or located within 10 km of the National Park /

Office of ADGF (WL)
Diary No. 27
Date: 12/12/09

Wildlife Sanctuary (at present the distance of 10 km has been taken in conformity with the order dated 4.12.2006 in writ petition no. 460 of 2004 in the matter of Goa Foundation Vs Union of India), a specific condition shall be stipulated that the environmental clearance is subject to their obtaining prior clearance from forestry and wildlife angle including clearance from the Standing Committee of the National Board for Wildlife as applicable. Further, it will also be categorically stated in the environment clearance that grant of environmental clearance does not necessarily implies that forestry and wildlife clearance shall be granted to the project and that their proposals for forestry and wildlife clearance will be considered by the respective authorities on their merits and decision taken. The investment made in the project, if any, based on environmental clearance so granted, in anticipation of the clearance from forestry and wildlife angle shall be entirely at the cost and risk of the project proponent and Ministry of Environment & Forests shall not be responsible in this regard in any manner.

(iv) A copy of the clearance letter, besides others, shall also be endorsed to (i) IGF(FC), MoEF, (ii) IGF(WL), MoEF, (iii) PCCF of respective States and (iv) Chief Wildlife Warden of the State.

Note: There will not be any need to refer the files relating to grant of environmental clearance from IA Division to FC Division and or Wildlife Division during consideration of proposals under EIA Notification, 2006, as done at present in view of the course of action stipulated at paras 2(i) - (iv) above.

This issues with the approval of the Competent Authority.

(Signature)
 (S.K. Aggarwal)
 Director

To
 All the Officers of IA Division

- Copy to:-
1. PPS to AS(JMM)
 2. PPS to ADG(F)
 3. PPS to ADG (Wildlife)
 4. IGF(FC)
 5. Advisor (GKP)
 6. Advisor (NB)
 7. Director (PLA) with a request to issue necessary instructions to all the SEIAAs/SEACs to follow the above instructions.
 8. Website of the Ministry.

agreed
 4/12/07