

FC-11/119/2020-FC
Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Prayavaran Bhawan,
Aliganj, Jorbagh Road,
New Delhi-110003

Dated: 17th May, 2022

OFFICE MEMORANDUM

Subject: Clarification on Requirement of Various Environmental and Forest Clearances for Project/Activity in Eco-Sensitive Zone and Other Such Areas outside Protected Area – regarding.

Ministry has been receiving communications from States/Union Territories, Project Proponents, associated organizations and other stakeholders seeking clarifications regarding requirement of various statutory clearances viz. Environmental Clearance (EC), Forest Clearance (FC) and consideration by the National Board for Wild Life/Standing Committee of the National Board for Wild Life (NBWL/SCNBWL) for Project/Activity falling in Eco Sensitive Zones (ESZ)/ Eco Sensitive Area (ESA) and other such ecologically significant areas around Protected Areas (PAs) as defined in Wild Life (Protection) Act, 1972.

2. In this reference, it is imperative to take note of some of the important related court judgements, which are as enumerated below:


i. The Hon'ble Supreme Court Order dated 4.12.2006 in Writ Petition No. 460 of 2004 in the matter of Goa Foundation Vs. Union of India, *inter-alia* directed that "(MoEF) would also refer to the Standing Committee of the National Board for Wild Life, under Section 5(b) & 5(c) (ii) of the Wild Life (Protection) Act, 1972, the cases where Environmental Clearances have already been granted where activities are within 10km zone of the boundaries of the Sanctuaries and National Parks".

ii. Many of developmental activities are prohibited /regulated in ESZs *inter-alia* including mining operations to be carried out in accordance with the Order of the Hon'ble Supreme court dated 4.08.2006 in the T.N. Godavarman Thirumulpad vs UOI matter in WP(C) No. 202 of 1995 and Order dated 21.04.2014 in the matter of Goa Foundation Vs. UOI in WP(C) No. 435 of 2012.

3. Taking cognizance of conservation need of ecologically rich area outside notified PAs and aforesaid Court Orders, Ministry has issued clarifications in reference to the subject matter in the past vide OM No. 22-43/2018-IA.III dated 08.08.2019 followed by OM No. 6-60/2020WL Part (I) dated 16.07.2020.


4. The matter has been further examined in detail in the Ministry with reference to various recent communications received seeking further clarifications w.r.t. applicability of EC, FC and WC in ESZ/ESA and other ecologically significant areas outside PAs.

5. Accordingly, in supersession of Ministry's previous OM No. 22-43/2018-IA.III dated 08.08.2019 and OM No. 6-60/2020WL Part (I) dated 16.07.2020, the following procedure is


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prescribed w.r.t. applicability of EC, FC and WC in ESZ/ESA and other ecologically significant areas outside PA:

| Clearance Category | Project/Activity in Notified ESZ Around PA or in notified ESA | Project/Activity outside PA wherein ESZ is not notified or ESZ Notification is at draft stage | Project/Activity outside PA in area which is part of Tiger Reserve or linking one PA or Tiger Reserve to another PA or Tiger Reserve |
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| Environmental Clearance (EC) | Project/Activity shall be regulated and governed by the concerned ESZ/ESA Notification. Accordingly, activities prohibited under the ESZ/ESA Notification cannot be undertaken. Whereas, for regulated and other activities in ESZ/ESA Notification covered under the Schedule of EIA Notification, 2006; prior EC as per the prescribed procedure is mandatory. | For Project/Activity covered under the Schedule of EIA Notification, 2006; prior EC as per the prescribed procedure is mandatory, anywhere outside the PA. | For Project/Activity covered under the Schedule of EIA Notification, 2006; prior EC as per the prescribed procedure is mandatory anywhere outside the PA. |
| Forest Clearance (FC) | Projects shall be regulated and governed by the concerned ESZ/ESA Notification. Accordingly, activities prohibited under the ESZ Notification cannot be undertaken. Whereas, for regulated and other activities; Forest Clearance will be required, only if forest land is involved and proposed activity is for non-forestry use, as per provisions of Forest (Conservation) Act, 1980 and Rules and guidelines made there under. | Forest Clearance will be required anywhere outside the PA, only if forest land is involved and proposed activity is for non-forestry use, as per provisions of Forest (Conservation) Act, 1980 and Rules and guidelines made there under, irrespective of the notified limits/default limits of ESZ/ESA. | Forest Clearance will be required anywhere outside the PA, only if forest land is involved and proposed activity is for non-forestry use, as per provisions of Forest (Conservation) Act, 1980 and Rules and guidelines made there under, irrespective of the notified limits/default limits of ESZ/ESA. |
| Consideration by the National Board of Wild Life/Standing | Projects/activities proposed to be located within notified ESZ/ESA shall be regulated and | Project/Activity covered under the Schedule of EIA Notification, 2006 and located within 10 km | Approval of NBWL/SCNBWL is mandatory if the project/activity is |

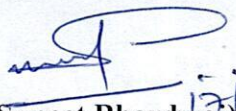

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| Committee of the National Board for Wild Life (NBWL/SCNBWL) | governed by the concerned ESZ Notification. Accordingly, activities prohibited under the ESZ Notification shall not be undertaken. Whereas, regulated and other activities proposed within notified ESZ around National Park or Sanctuary shall require consideration by the NBWL/SCNBWL, if such activity is covered under the Schedule of EIA Notification, 2006. | of National Park or Sanctuary shall require consideration by the NBWL/SCNBWL. | proposed to be located in an area which forms part of a Tiger Reserve or area linking one PA or Tiger Reserve with another PA or Tiger Reserve as per section 38O(1)(g) of the Wild Life (Protection Act, 1972. |
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6. In all such cases, the project proponent may submit the application simultaneously for grant of Terms of Reference under EIA Notification as well as for FC and consideration by the NBWL/SCNBWL.

7. In addition, mining operations shall be carried out in accordance with the Order of the Hon'ble Supreme court dated 4.08.2006 in the T.N. Godavarman Thirumulpad vs UOI matter in WP(C) No. 202 of 1995 and Order dated 21.04.2014 in the matter of Goa Foundation Vs. UOI in WP(C) No. 435 of 2012.

This issues with the approval of Competent Authority.


(Suneet Bhardwaj) 17/10/24

Assistant Inspector General of Forest (FC)

To:

1. The Chief Secretary, All States/UTs
2. Chairman, CPCB
3. The Addl Chief Secretary/Principal Secretary/Secretary, Environment & Forest Department, All States/UTs.

Copy to:

- i. Principal Chief Conservator of Forests, All State Governments/ UT Administrations
- ii. Chief Wild Life Wardens, All State Governments/ UT Administrations
- iii. All Integrated Regional Offices, Ministry of Environment, Forest and Climate Change (MoEF&CC), Government of India
- iv. All ADGFs/Addl. Secretaries/IGFs/ JSs/ Advisors in MoEF&CC, GoI, New Delhi.
- v. Member Secretary, National Tiger Conservation Authority, New Delhi
- vi. Sr. Director (Technical), NIC, MoEF&CC with a request to place a copy of the letter on website of this Ministry.
- vii. PPS to Secretary (EF&C C)/DGF&SS, MoEF&CC, New Delhi.