

F. No. 19-206/2018-IA.III [E 113737]
Government of India
Ministry of Environment, Forest and Climate Change
(Impact Assessment Division)

Indira Paryavaran Bhawan
Aliganj, Jorbagh Road
New Delhi-110 003

Dated: 19th April, 2024


OFFICE MEMORANDUM

Subject: Processing of Environmental Clearance, Coastal Regulation Zone Clearance, Forest Clearance and Wildlife Clearance cases during the period of Model Code of Conduct(MCC), imposed by the Election Commission of India - regarding.

The Ministry vide letter dated 21st March 2024 & 2nd April, 2024 requested ECI to permit issue of Environmental Clearance, Coastal Regulation Zone Clearance, Forest Clearance and Wildlife Clearance, as had been allowed during the 2019 General Elections (copy enclosed).

2. In this regard, the ECI vide letter dated 10th April, 2024 (copy enclosed) has informed that the Commission has no objection from MCC angle, to the proposal of the Ministry made in the letter No. 19-206 /2018-IA.III [E 113737] dated 2nd April 2024.

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


(Sundar Ramanathan)
Scientist 'E'

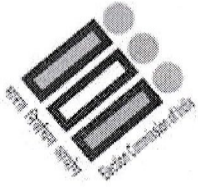
Encl: as above.

To

1. Chairperson/ Member Secretaries of all Expert Appraisal Committees
2. Chairperson/Member Secretaries of all SEIAAs/SEACs
3. Chairperson/ Member Secretaries of all SCZMAs
4. IG, RO (HQ), MoEFCC
5. All Officers of IA Division

Copy for information to:

1. PS to Hon'ble MEF&CC
2. PS to Hon'ble MoS, EF&CC
3. PSO to Secretary, EF&CC
4. PPS to DG, Forest & SS
5. PPS to AS (TK)/JS (SKB)
6. Website, MoEF&CC /Guard file



By Special Messenger

भारत निर्वाचन आयोग सचिवालय
SECRETARIAT OF THE ELECTION COMMISSION OF INDIA

निर्वाचन सदन, अशोक रोड, नई दिल्ली-110001

Nirvachan Sadan, Ashoka Road, New Delhi-110001.

No. 437/6/CG-HP/ECI/LET/FUNCT/MCC/2024

Dated: 10th April, 2024

To

Secretary,
Government of India
Ministry of Environment, Forest and Climate Change,
Indira Paryavaran Bhavan,
Aliganj, Jorbagh Road,
New Delhi-110003.

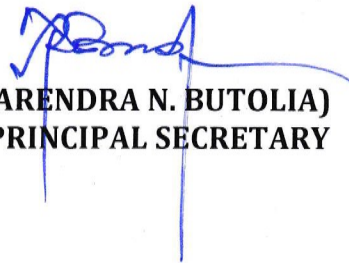
[Kind attn: Dr. Sujit Kumar Bajpayee, Joint Secretary]

Subject: Ministry of Environment, Forest and Climate Change Proposal - Grant of Environmental Clearance, Coastal Regulation Zone Clearance, Forest Clearance and Wildlife clearance cases during the period of Model Code of Conduct, imposed by the Election Commission - Regarding.

Sir/Madam,

I am directed to refer to Ministry of Environment, Forest and Climate Change letter No. 19-206/2018-IA.III[E 113737], dated April 2, 2024, received from Joint Secretary, on the subject cited, and to state that the Commission has no objection, from MCC angle, to the proposal made therein.

Yours faithfully,


(NARENDRA N. BUTOLIA)
SR. PRINCIPAL SECRETARY

File No.19-206/2018-IA.III [E 113737]
Government of India
Ministry of Environment, Forest and Climate Change

Indira Paryavaran Bhawan
Aliganj, Jorbagh Road
New Delhi-110 003

Dated: 2nd April, 2024

To

The Senior Principal Secretary,
The Election Commission of India
Nirvachan Sadan, Ashoka Road,
Pandit Pant Marg Area,
Sansad Marg Area, New Delhi- 110001

Sub: - Processing of Environmental Clearance, Coastal Regulation Zone Clearance, Forest Clearance and Wildlife Clearance cases during the period of Model Code of Conduct, imposed by the Election Commission - regarding.

Ref: - Letter issued vide file no. 437/6/CG-HP/ECI/LET/FUNCT/MCC/2024 dated 28th March 2024

Sir,

The Ministry had sought clarification from the Election Commission of India (ECI) vide letter dated 14th March 2019 as to whether Environmental Clearance and Forest Clearance can be granted during the period of Model Code of Conduct (MCC) imposed by the Election Commission (Annexure-I). The Election Commission in its reply letter dated 16th March 2019 had clarified that the Commission had no objection from MCC point of view to the proposal made therein (Annexure-II).

2. Subsequently, the Ministry, vide letter dated 21/03/2024 requested ECI to permit issue of Environmental Clearance, Coastal Regulation Zone Clearance, Forest Clearance and Wildlife Clearance, as had been allowed during the 2019 General Elections. The ECI vide letter dated 28/03/2024 informed that the proposal of MoEF&CC to grant general exemption till the completion of election process cannot be acceded to.

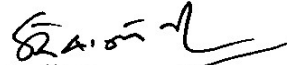
3. In this regard, certain clarifications are submitted for kind re-consideration of ECI. As per the EIA Notification 2006, as amended, there are 4 stages for the grant of Environmental Clearances namely, Screening of Project proposal, Scoping i.e., issue of Terms of References for the project; Public Consultation, Appraisal by Expert Committee and final decision by the Ministry on the recommendations of the Expert Appraisal Committee.

4. The proposals for Environmental Clearance, Coastal Regulation Zone Clearance, Forest Clearance and Wildlife Clearance process *inter-alia* involve number of stages from conceptualization of the project, to preparation of pre-feasibility reports, feasibility reports, Detailed Project Report, Environmental Impact Assessment Reports, Environmental Management Plan and such other documents which takes several months and in some cases even years to complete. The Environmental Clearance (EC) process involves issue of Terms of Reference (ToRs), conduct of baseline studies, Public consultation, appraisal by Expert Committees etc. Similarly, the grant of Forest Clearance (FC) involves appraisal by the Forest Advisory Committee, in-principle Approval (Stage-I), compliance report by user agency followed by the grant of final approval. Likewise, the Wildlife (WL) Clearance and Coastal Regulation Zone (CRZ) Clearance also involve the recommendations from Statutory Committees or Authorities at the State and Central level etc., after detailed examination.

5. In so far as information about the project among the general public is concerned, this is already in the public domain on the portal from the very first stage of its application and also through public consultation or hearing which is conducted through the State Pollution Control Boards, as applicable. It is evident from the brief description of the various stages involved in grant of various Clearances (EC, FC, WL and CRZ) that these clearances involve a long process involving considerable period of time spanning over more than a year from the stage of conceptualization to the grant of various clearances. It would also be relevant to mention here that such Clearances are not in any way related to sanction of new projects and in fact, the application for grant of the aforesaid clearances have been submitted much before the Model Code of Conduct (MCC) came into force on 16th March 2024 and have been in process over the past few months.

6. Against the aforesaid background and in view of the previous NOC received from ECI in this regard, the Ministry again requests ECI to kindly reconsider its previous stand and permit issue of Environmental Clearance (as per EIA Notification 2006), Coastal Regulation Zone Clearance (as per CRZ Notifications), Forest Clearance (as per Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980) and Wildlife Clearance (as per Wildlife Protection Act 1972) as had been allowed in the past during the 2019 General Elections.

Yours faithfully


(Dr. Sujit Kumar Bajpayee)
Joint Secretary

F.N. 19-206/2018-LA-III

Government of India

Ministry of Environment, Forest and Climate Change

Indira Paryavaran Bhawan
Aliganj, Jorbagh Road
New Delhi-110 003

Dated: 14th March, 2019

To

The Deputy Election Commissioner,
The Election Commission of India
Nirvachan Sadan, Ashoka Road,
Pandit Pant Marg Area,
Sansad Marg Area,
New Delhi- 110001

**Sub: - Processing of Environmental Clearance and Forest Clearance cases during
the period of Model Code of Conduct, imposed by the Election Commission
- regarding.**

Dear Sir,

The Ministry of Environment, Forest and Climate Change is the nodal Ministry for the grant of Environmental Clearance and Forest Clearance. These clearances are granted by the Ministry based on the recommendations of Expert Appraisal Committees (EACs)/Forest Advisory Committee (FAC) constituted under the Environment Protection Act, 1986 and the Forest (Conservation) Act, 1980 respectively. These clearances are statutory approvals and not in the nature of "new works and projects taken up from discretionary funds of whatever nature" as mentioned in chapter 5, para 5.2.1, (ix) (a) of the Manual on Model Code of Conduct (MCC). Moreover, they take nearly four months to process and were submitted much before the imposition of MCC.

In view of the above, the Ministry requests for a clarification as to whether Environmental Clearance and Forest Clearance can be granted during the period of Model Code of Conduct imposed by the Election Commission.


(Anil Kumar Jain)
Additional Secretary
MoEF&CC



भारत निर्वाचन आयोग सचिवालय
SECRETARIAT OF THE ELECTION COMMISSION OF INDIA
निर्वाचन सदन, अशोक रोड, नई दिल्ली-110001
NirvachanSadan, Ashoka Road, New Delhi-110001.

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ANNEXURE II

No. 437/6/CG/ECI/LET/FUNCT/MCC/2019

Dated: 16th March, 2019

To

Secretary,
Government of India,
Ministry of Environment, Forest & Climate Change,
Indira Paryavaran Bhawan,
Jor Bagh Road,
New Delhi-110003.

(Kind attn. :- Sh. Anil Kumar Jain, Additional Secretary)

Subject: - Processing of Environmental Clearance and Forest Clearance cases during the period of MCC - regarding.

Sir,

I am directed to refer to letter No. nil, dated 14th March, 2019, received from Addl. Secretary, Ministry of Environment, Forest & Climate Change, on the subject cited and to state that the Commission has no objection from MCC angle to the proposal made therein.

Yours faithfully,


(NARENDRA N. BUTOLIA)
PRINCIPAL SECRETARY