

GOVERNMENT OF INDIA
MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

RAJYA SABHA
UNSTARRED QUESTION NO. 59
TO BE ANSWERED ON 29.01.2026

Change in environmental clearance rules

59. SHRI TIRUCHI SIVA:

Will the Minister of ENVIRONMENT, FOREST AND CLIMATE CHANGE be pleased to state:

- (a) whether it is a fact that the Ministry has changed rules for environmental clearance for projects running through eco-sensitive areas, such that clearance could be granted before consent for land acquisition is obtained and if so, the reasons therefor; and
- (b) whether it is also a fact that the step was taken at the request of industrial bodies; and
- (c) whether forest dwelling tribal communities and other traditional forest dweller communities were consulted in the process and if so, the details thereof and if not, the reasons therefor?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE
(SHRI KIRTI VARDHAN SINGH)

(a) to (c) Environmental Clearances (ECs) are granted to projects covered in the schedule to the Environmental Impact Assessment (EIA) Notification, 2006, as amended. The EC process involves various stages such as grant of Terms of Reference for the project based on which the EIA Report as well as Environment Management Plan (EMP) is prepared, Public Consultation based on the EIA report so prepared is carried out as mandated under the provisions of EIA Notification, 2006, as amended followed by appraisal by Expert Appraisal Committees (EACs)/State level Expert Appraisal Committees (SEACs). The EC is granted based on the recommendations of the EACs/SEACs. Considering the spatial extent of potential impact and the potential impact on human health and natural and manmade resources, the EIA Notification, 2006 requires that EIA/EMP Report be prepared for Category A and B1 projects and Public Consultation be also carried out for such projects. During the Public Consultation process the views and suggestions of local communities including forest dwelling tribal communities and other traditional forest dweller communities, who may be dwelling in the vicinity of the project site, are taken into consideration before the project is finally granted EC. As the preparation of the EIA/EMP report is based on the spatial extent of potential impact which is independent of the classification and title of the land in the vicinity of the project site, acquisition of project land may go on in parallel and that the consideration of EC need not wait for full land acquisition, the Ministry, vide Office Memorandum (OM) dated 7th October, 2014, as amended, has clarified that, full acquisition of land may not be a pre-requisite for appraisal of the EIA/EMP report together with Public Consultation for the Project/Activities, as applicable. There should be, however, some credible document related to ownership /possession of Project/Activity land which need to be placed before the concerned EAC/SEAC for appraisal,

including, inter-alia, the intent of the private land owner, to provide the land required for setting up of the project to the project proponent. In this regard, based on the recommendations of the Expert Committees, the Ministry has clarified through OM dated 18th December 2025 that, the above mentioned OM dated 7th October 2014, as amended, shall not be applicable to mining projects, projects related to oil & gas exploration, development & production and linear projects such as highways and pipelines which are covered in the schedule of the EIA Notification, 2006. However, it is also clarified in the same OM that, while ECs may be granted to the above mentioned projects/activities following due process, Consent To Operate (CTO) shall be granted in respect of only those land parcels/Khasra Numbers in the Revenue record which have been either acquired by Project Proponent or consent has been obtained from the landowners or from the concerned State Government, or their authorized agency, as the case maybe. In other words, the project or activity cannot be commenced/implemented on the private land without acquiring it or obtaining the consent of the landowners.
