

F. No. 17-54/2016 – FC
Government of India
Ministry of Environment, Forests and Climate Change
(Forest Conservation Division)

Indira Paryaravan Bhawan,
Aliganj, Jorbhagh Road,
New Delhi 110003

Dated: 23rd February, 2017

To
The Principal Secretary (forests)
All States/Union Territory Governments

Sub: **Diversion of forest land for non-forest purpose under the Forest (Conservation) Act, 1980 – Guidelines regarding extension of period of validity of approvals accorded under the Forest (Conservation) Act, 1980 for diversion of forest land for mining of Atomic Minerals .**

Sir,

I am directed to say that para 4.16 of guidelines issued under the Forest (Conservation) Act, 1980 *inter-alia* provides that the approvals under the Forest (Conservation) Act, 1980 for diversion of forest land for grant/renewal of mining leases shall normally be granted for a period co-terminus with the period of mining lease proposed to be granted under the Mines and Minerals (Development and Regulation) Act, 1957 (MMDR Act 1957) or rules framed thereunder, but not exceeding 30 years, in consonance with the provisions of Section 8 of MMDR Act 1957 prior to its amendment by enactment of Mines and Minerals (Development and Regulation) Amendment Act, 2015.

2. The Department of Atomic Energy has also drawn attention of this Ministry to the Atomic Mineral Concessions Rules, 2016 notified on 11 July 2016 wherein Rule 6(11) provides the following:

“All mining leases granted under these rules, shall be granted for a period until the entire reserves of such minerals in the mine is exhausted”. Provided that an existing mining lease as on the date of coming into force of

these rules granted to a Government Company for extraction of prescribed substances including uranium or thorium, shall be deemed to have been granted for a period until the entire reserves of such minerals in the mine is exhausted.

3. The Department of Atomic energy has requested that in view of the above all the existing approvals issued to Uranium Corporation of India Limited (UCIL) under the Forest (Conservation) Act, 1980 may be extended till the ore body is exhausted, for the minerals listed in part B, (Atomic Minerals) of the First Schedule of the Mines and Minerals (Development and Regulation) Act, 1957 (MMDR Act 1957).

4. After careful examination of the matter, I am directed to say that in case of existing mining leases in respect of Atomic Minerals specified in Part B of the First Schedule of the Mines and Minerals (Development and Regulation) Act, 1957 (MMDR Act 1957), period of validity of approvals Mineral Concessions Rules, 2016 accorded under the Section- 2 of the FC Act shall be extended, and shall be deemed to have been extended upto a period co-terminus with the period of mining lease or a period of 50 years, whichever is earlier, from the date of notification of the Atomic Mineral Concessions Rules, 2016 on 11th July 2016, subject to the following conditions:

- (i) The State Government shall, within a period of **one year** from the date of issue of this letter, realize from the User Agency, Net Present value (NPV) of the forest land for which period of validity of approvals under FC Act has been extended, in case the same has not already been realized, and

- transfer the same to the Ad-hoc Compensatory Afforestation Fund Management and Planning Authority (CAMPA).
- (ii) In case NPV of forest land for which period of validity of approvals under the Forest (Conservation) Act, 1980 has been extended by this letter has not already been realized and the State Government fails to realize the same from the user agency within the period of one year from the date of issue of this letter, approval accorded under the Forest (Conservation) Act, 1980 for such forest land shall be kept in abeyance, and shall be deemed to have been kept in abeyance, till such time, the NPV of the Forest land is realised by the State Government.
- (iii) Provisions of this letter, notwithstanding anything contained therein, shall not apply to forest land falling in a mining lease for which renewal has been rejected, or which has been determined or lapsed before the issue of this letter.
- (iv) In those cases where the Forest Clearance has expired and has not been renewed, fresh Forest Clearance under Forest (Conservation) Act, 1980 would be mandatorily required before the renewal of the lease.

Yours faithfully,

(Nisheet Saxena)

Sr. Assistant Inspector General of Forests

Copy to:

1. Prime Minister's Office (Kind attn.: Shri Ajit Kumar, Deputy Secretary).
2. Secretary, Ministry of Mines, Government of India.
3. Principal Chief Conservator of Forests, All States/UTs.
4. Nodal Officers, the Forest (Conservation) Act, 1980 All States/UTs.
5. All Regional Offices, Ministry of Environment, Forests and Climate Change (MoEF&CC).
6. Joint Secretary in-charge, Impact Assessment Division, MoEF&CC, New Delhi.
7. PS to Hon'ble Minister of State (Independent Charge) for Environment, Forests and Climate Change.
8. Chairman, State Environment Impact Assessment Authority, All States/UTs.
9. Member Secretary, State Environment Impact Assessment Authority, All States/UTs.
10. All Directors/Assistant Inspector General of forest in Forest Conservation Division of MoEF&CC.
11. All Advisors/Directors/Dy Directors in Impact Assessment Division of MoEF&CC.
12. Sr. Director (Technical), NIC, MoEF&CC with a request to place a copy of the letter on website of this Ministry.
13. Sr. PPS to the Secretary for Environment, Forests and Climate Change, New Delhi.
14. Sr. PPS to the Director General of Forests & Special Secretary, MoEF&CC, Gol.
15. Sr. PPS to the Addl. Director General of Forests (Forest Conservation), MoEF&CC, Gol.
16. PS to the Inspector General of Forests (Forest Conservation), MoEF&CC, Gol.
17. Guard File.

(Nisheet Saxena)

Sr. Assistant Inspector General of Forests