

Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

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

Dated: **31st March, 2020**

To
The Principal Secretary (Forests),
All State/UT Governments

**Sub: Guidelines under Forest (Conservation) Act, 1980, in pursuance of the
“The Mineral Laws (Amendment) Act, 2020” – regarding.**

Sir,

The Central Government has promulgated ‘The Mineral Laws (Amendment) Act, 2020’, on 13th March, 2020, which *inter-alia* provides that successful bidder (i.e. the new lessees) of the mining leases expiring under the provisions of sub-section (5) and (6) of Section 8A of Mines and Minerals (Development & Regulation) Amendment Act, 2015, shall be deemed to have acquired all valid rights, approvals, clearances, licenses and like vested with the previous lessee for a period of two years. The said new Act also provides that it will be lawful for the new lessee to continue mining operations on the land, in which mining operations were carried out by the previous lessee, for a period of two years from the date of commencement of new lease.

Therefore, in the light of promulgation of the above said Act, the matter related to the validity of the approvals granted under Forest (Conservation) Act, 1980 (FCA-1980) was examined in the Ministry. After careful consideration of the issue with a view to align the provisions of relevant guidelines under the Forest (Conservation) Act 1980 in pursuance of the concerned provisions under ‘The Mineral Laws (Amendment) Act, 2020’, para 7.3(vi), as given under, is inserted in Chapter-7 of the Handbook of Forest (Conservation) Act, 1980:

- a. *A new lessee of the mining leases expiring under the provisions of sub-section (5) and (6) of Section 8A of Mines and Minerals (Development & Regulation) Amendment Act, 2015, shall be deemed to have acquired all valid rights, approvals, clearances, licenses and like vested with the previous lessee for a period of two years. The new lessee shall continue mining operations on the land, in which mining operations were carried out by the previous lessee, for a maximum period of two years from the date of commencement of new lease on the same terms and conditions which was stipulated in the approval under FCA-1980, obtained by the previous lessee.*
- b. *The new lessee, after obtaining Letter of Intent (LoI), shall obtain approval under the FCA-1980 following due procedure, for non-forestry use of forest land falling in such mining lease for continuing mining operation beyond two years during which it has deemed to have acquired rights to undertake mining operation. In case, approval under the FCA-1980 is not obtained within the stipulated time of two years of commencement of lease by the new lessee, the mining operation shall be stopped till such approval has been obtained.*

- c. *While obtaining approval under the provisions of FCA-1980 as per clause (b) above, the new lessee shall pay the Net Present Value (NPV) for the total forest area located within the mining lease, along with any other amount due as per guidelines issued by Government of India from time to time. However, on the date of issuance of Lol, the state government shall realize a lump sum amount at the rate of Rs 7.50 lakh per ha (for the total forest area within the mining lease) from the new Lol holder. This amount shall be deposited into the account of CAMPA, which will be adjusted against actual compensatory levies payable on the forest land, at the time of approval as per clause (b) above.*

This issues with the approval of competent authority.

Yours faithfully,

Sd/-

(Sandeep Sharma)

Assistant Inspector General of Forests

Copy to:

1. Secretary (Mines), Government of India
2. The Principal Chief Conservator of Forests, All State/UT Governments
3. The Nodal Officer (FCA), Office of the PCCF, All State/UIT Governments
4. The Dy Director General of Forests (Central), All Regional Offices of MoEF&CC
5. PPS to Secretary (EF&CC) GoI, PPS to DGF&SS, MoEF&CC, GoI
6. Monitoring Cell, FC Division, MoEF and CC, New Delhi
7. Guard File