

F.No. 5-1/1998-FC (Pt. II)
Government of India
Ministry of Environment and Forests
(F.C. Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 110003.
Dated : 17th May 2005.

To
The Secretary (Forest),
All State/UT Governments.

Sub: Guidelines for diversion of forest land for non-forestry purposes under the Forest (Conservation) Act, 1980; Net Present Value of the diverted forest land for underground mining - clarification, regarding.

Sir,

The Ministry of Environment and Forests has received various representations seeking clarification regarding payment of the Net Present Value (NPV) of the diverted forest land under the Forest (Conservation) Act, 1980 for the purpose of underground mining.

2. In this connection, I am directed to say that NPV is chargeable in all cases of diversion of forest land under the Forest (Conservation) Act, 1980 in compliance of the orders of the Hon'ble Supreme Court of India dated 30-10-2002 and 01-08-2003 in IA No. 566 in WP (C) No. 202/1995 and as per the guidelines issued by this Ministry vide letters No. 5-1/98-FC (Pt II) dated 18.09.2003 and 22.09.2003 in this regard. Kindly refer to this Ministry's letter No. 2-1/2003-FC (Part-IV) dated 07.12.2004 wherein it has already been clarified that extraction of minerals, etc. from an underground mine amounts to breaking up of fresh forest land, and hence, it requires diversion under the Forest (Conservation) Act, 1980. This being so, NPV becomes chargeable in all cases of underground mining as well as other underground works for which forest land is diverted under the Forest (Conservation) Act, 1980.

3. This issues in suppression of this Ministry's letter No. 11-13/2004-FC dated 23rd June 2004 regarding charging of NPV for underground works including underground mining.

Yours faithfully,

(Sandeep Kumar)
Assistant Inspector General of Forests

Copy to:

1. The Principal Chief Conservator of Forests, all States/UTs.
2. The Nodal Officer, Forest Department, all States/UTs.
3. All Regional Offices, Ministry of Environment and Forests, Government of India.
4. RO(HQ)/Monitoring Cell, MoEF, New Delhi.
5. Guard File.
6. All AIGs (FC)/Director (FC), MoEF, New Delhi.

(Sandeep Kumar)
Assistant Inspector General of Forests