

F. No. 11-285/2011-FC
Government of India
Ministry of Environment and Forests
(FC Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 110 510.

Dated: 5th November, 2013

To,

The Principal Secretary (Forests),
All State / Union Territory Governments.

Sub: Guidelines for diversion of forest land for non-forest purposes under the Forest (Conservation) Act 1980- Simplified procedure for grant of approval in certain cases of renewal of mining leases.

Sir,

This Ministry has been receiving representations to stipulate simplified procedure for grant of approval under the Forest (Conservation) Act, 1980 (FC Act) for renewal of mining leases. After careful examination of the matter the following has been observed:

- (i) Ideally a lessee should seek and obtain approval under the FC Act for diversion of entire forest land located within a mining lease at the time of its renewal. However, it has been observed that in many mines, approval under the FC Act for diversion of forest land has been sought in a piece-meal manner. Lessees in such cases continued to undertake mining in non-forest land or non-forest land plus a part of the forest land for which approval under the FC Act has been obtained.
- (ii) With increased awareness and strict enforcement by Central and State/ Union Territory Governments and various Courts of Law, lessees of these mines submitted proposals for diversion of balance forest land located within such mining leases. This Ministry vide letter No. 11-362/20120 FC dated 1st February 2013 has also directed the State/ UT Governments to ensure that approval under the FC Act for diversion of entire forest land located within a mining lease shall be obtained within two years (i.e. on or before 31.01.2015).
- (iii) In some of the mining leases, where this Ministry after critical examination of the status of reclamation and surrender of the mined out forest land and ensuring compliance with all existing statues and guidelines, as applicable to such proposals, accorded in-principle approval not long ago before expiry of the mining lease, validity of the mining lease has expired before grant of final approval for diversion of forest land.
- (iv) In such cases adherence to existing procedure involving examination of proposal at several levels in the State/ Union Territory and Central Governments to obtain prior approval of Central Government under the FC Act for renewal of mining leases is not likely to serve any useful purpose as no new facts, significantly different from those observed during examination of the previous proposal, not long ago, are likely to emerge from processing of de-novo proposals.

After careful examination of the matter it has therefore, been decided that in cases, where before submission of a report on compliance to conditions stipulated in the in-principle approval by the concerned State/Union Territory Government within the stipulated period of five years from the date of grant of in-principle approval, and grant of

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final approval by the Central Government, validity of the mining expires, instead of submission of a de-novo proposal to obtain approval of Central Government under the FC Act, for such forest land, for renewal of mining lease, the State/ UT Governments while submitting report on compliance to conditions stipulated in the in-principle approval may seek approval of Central Government under the FC Act for diversion of such forest land for (i) original period of the mining lease for which in-principle approval has already been accorded by the Central Government; and also for (ii) renewal of mining lease for a period, as specified by the State/ Union Territory Government, not exceeding twenty years. Report on compliance to a statute(s), circular(s) or directive(s), as applicable to such proposals, which came into force after grant of in-principle approval, if any, shall also be submitted to the Central Government along with the report on compliance to conditions stipulated in the in-principle approval.

In such cases, apart from grant of final approval under the FC Act for diversion of such forest land for original period of mining lease, the Central Government, shall, after considering advice of the Forest Advisory Committee or the State Advisory Group, as the case may be, and after such further enquiry as it may consider necessary, grant approval to the proposal of the State/ UT Government for renewal of mining lease for a period, as may be specified by the Central Government, not exceeding twenty years, with appropriate conditions or reject the same.

Yours faithfully,

(Signature)
(H.C. Chaudhary)

Assistant Inspector General of Forests

Copy to:-

1. Secretary, Ministry of Mines, Government of India.
2. Secretary, Ministry of Coal, Government of India.
3. Secretary, Ministry of Steel, Government of India.
4. Principal Chief Conservator of Forests, all State/UT Governments.
5. Nodal Officer, the Forest (Conservation) Act, 1980, all State/UT Governments.
6. All Regional Offices, Ministry of Environment & Forests, Government of India.
7. Joint Secretary, In-charge, Impact Assessment Division, MoEF, Government of India.
8. Chairman, State Environment Impact Assessment Authority, all State/UT Governments.
9. Member-Secretary, State Environment Impact Assessment Authority, all State/UT Governments.
10. All Assistant Inspector General of Forests in Forest Conservation Division, MoEF.
11. All Advisors/ Directors/ Dy. Directors in the Impact Assessment Division, MoEF.
12. Director, Regional Office (Headquarters), Ministry of Environment & Forests, New Delhi.
13. Monitoring Cell, Forest Conservation Division, MoEF for placing a copy of the extant guidelines on website of the Ministry.
14. PS to Secretary/ DGF&SS/ ADG (FC)/ IGF (FC), MoEF, Government of India.
15. Guard File.

(Signature)
H.C. Chaudhary)

Assistant Inspector General of Forests