

F.No.2-1/2003-FC(Part-IV)  
Government of India  
Ministry of Environment & Forests  
(F.C. Division)

Paryavaran Bhawan, C.G.O. Complex,  
Lodi Road, New Delhi-110003.  
New Delhi, the 6<sup>th</sup> December 2004.

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

Sub: Guidelines in respect of pre-1980 underground mining leases for extraction of minerals involving extension of already broken up underground forest land.

Sir,  
The Central Government have been receiving representations seeking clarifications in respect of renewal of underground mining leases granted prior to commencement of Forest (Conservation) Act, 1980 i.e. 25-10-1980. The desired clarification revolves around the issue whether extraction of minerals from an underground mine involving extension of already broken up underground forest land requires prior permission of the Central Government under Forest (Conservation) Act, 1980.

After considering the issue in holistic manner including the relevant provisions of Indian Forest Act, 1927, the Central Government hereby clarifies that for underground mines, in respect whereof lease was granted prior to commencement of Forest (Conservation) Act, 1980, i.e., 25-10-1980, prior approval of the Central Government under the Act must be obtained for:

1. Extraction of minerals from an underground mine unworked till 25-10-1980; or
2. Extraction of minerals involving extension after 25-10-1980, of the forest land broken underground (in case of those mines from which extraction of mineral took place before 25-10-1980 atleast from a part of the leased area).

Therefore, for those pre-1980 underground mining leases, which are still operative and are yet to expire, breaking up of fresh forest land after 25-10-1980 for extraction of mineral, constitutes violation of the Forest (Conservation) Act, 1980. Ex-post facto approval of the Central Government for the underground area broken, if any, after 25-10-1980 till date, along with the permission for underground mining, if required, must be obtained under Forest (Conservation) Act, 1980.

Yours faithfully,

(Anurag Bajpai)

Asstt. Inspector General of Forests

Copy to:-

1. Principal Chief Conservator of Forests, All States/UTs.
2. Nodal Officers - All States/UTs.
3. All Regional Offices of this Ministry
4. Director(FC), AIGs(FC).
5. M/s Coal India Ltd.
6. File No.2-1/2003-FC.
7. Guard File.