

F. No. 11-362/ 2012-FC
Government of India
Ministry of Environment and Forests
(FC Division).

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 110 510.
Dated: 1st February, 2013

- To:
1. The Principal Secretary (Forests),
All State / Union Territory Governments
 2. The Principal Secretary (Environment),
All State / Union Territory Governments

Sub: Guidelines for diversion of forest land for non-forest purposes under the Forest (Conservation) Act 1980- Submission of proposals to obtain approval for diversion of entire forest land located within the mining lease and grant of environment clearance to mining projects.

Sir,

It has been observed that the Central Government is receiving proposals from various State/Union Territory Governments to obtain prior approval of Central Government under the Forest (Conservation) Act, 1980 (FC Act) for diversion of a part of the forest land located within the mining leases. The Central Government after examination of the matter observed that no forest land can be leased/ assigned without first obtaining the approval under the FC Act. Therefore, the forest area approved under the FC Act should not be lesser than the total forest area included in the mining lease approved under the Mines and Minerals (Development and Regulation) Act, 1957 (MMDR Act). Both necessarily have to be the same.

The issue has been examined in its entirety in considerable depth by this Ministry and after careful considerations; this Ministry hereby takes the following decisions:

- (i) Henceforth, in case of mining leases having forest land in part or in full, approval under the FC Act for diversion of entire forest land located within the mining shall be obtained before execution/renewal of the lease under the MMDR Act. Applications seeking prior approval under FC Act for diversion of the entire forest land (and not a portion thereof) located within the area proposed to be assigned on lease shall only be accepted by the Nodal Officers in the concerned State/ Union Territory Governments.
- (ii) All State/UT Governments shall within a period of three months submit to this Ministry details of all such mines where approval under the FC Act for diversion of only a part of forest land has either been obtained or is presently under examination in the State/Central Government. The State Governments in all such cases shall request the concerned user agencies to submit application to obtain approval under the FC Act for diversion of the remaining forest land located within the mining lease. Mining in such leases after two years will be allowed only if the user agency either obtains approval under the FC Act for the entire forest land located within the mining lease or surrenders such forest land for which approval under FC Act has not been obtained and execute a revised mining lease for the reduced lease area.

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(iii) As regards Environment Clearance (EC) cases of existing mining operations, where approval under the FC Act for the full forest area in the mining lease area is not available, granting of EC may be considered and the following process will be adopted for processing such cases:

- (a) Grant of EC may be considered only for the non-forest area plus the forest area within the mining lease for which FC is available. No mining activities will be allowed in forest area for which the FC is not available; and
- (b) The project proponent will seek and obtain approval under the FC Act for diversion of the entire forest land located within the mining lease within a period of two years from the date of issue of these guidelines, failing which the mining lease area will be reduced to the non forest area plus the forest area for which the project proponent has been able to obtain the FC at the end of this time period. In the case of reduction in mine lease area, the project proponent will need to get a revised mining plan approved from the competent authority for reduced area and enter into a new mining lease as per reduced lease area. The EC will be construed to be available for the mining lease area as per the revised mining lease deed.

This issues with approval of the Hon'ble Minister of State (Independent Charge) for Environment and Forests.

Yours faithfully,

H.C. Chaudhary
(H.C. Chaudhary)

Assistant Inspector General of Forests

Copy to:-

1. Secretray, Ministry of Mines, Government of India.
2. Secretray, 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.
6. All Regional Offices, Ministry of Environment & Forests.
7. Joint Secretray, In-charge, Impact Assessment Division, MoEF.
8. Chairman, State Environment Impact Assessment Authority, all State/UT Governments.
9. Member-Secretray, State Environment Impact Assessment Authority, all State/UT Governments.
10. All Advisors/ Directors/ Dy. Directors in the Impact Assessment Division, MoEF.
11. All Assistant Inspector General of Forests in Forest Conservation 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. Guard File.

H.C. Chaudhary
(H.C. Chaudhary)

Assistant Inspector General of Forests