

F. No. 11-51/2015-FC
Government of India
Ministry of Environment, Forests and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Aliganj, Jorbagh Road,
New Delhi - 110 003
Dated: 1st April, 2015

To

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

Sub: Diversion of forest land for non-forest purpose under the Forest (Conservation) Act, 1980- Guidelines regarding extension of period of validity of approvals accorded under the Forest (Conservation) Act, 1980 for diversion of forest land for mining projects.

Sir,

I am directed to say that para 4.16 of guidelines issued under the Forest (Conservation) Act, 1980 (FC Act) *inter-alia* provides that the approval under the FC Act for diversion of forest land for grant/renewal of mining leases shall normally be granted for a period co-terminus with the period of mining lease proposed to be granted under the Mines and Minerals (Development and Regulation) Act, 1957 (MMDR Act, 1957) or Rules framed thereunder, but not exceeding 30 years, in consonance with the provisions of the Section 8 of the MMDR Act, 1957 prior to its amendment by promulgation of the Mines and Mineral (Development and Regulation) Amendment Ordinance, 2015.

2. The Ministry of Mines has drawn attention of this Ministry to the Mines and Minerals (Development & Regulation) Amendment Ordinance, 2015 promulgated by the Central Government on 12th January 2015 and informed that as per the Ordinance, there would be no renewal of any Mining Lease in future. All Mining Leases to be granted in future would have tenure of 50 years. Similarly, leases granted prior to the promulgation of Ordinance would also have tenure of not less than 50 years. Ministry of Mines requested this Ministry to consider extending the period of validity of approvals accorded under the FC Act to existing mining leases.

3. After careful examination of the matter, I am directed to say that in case of existing mining leases in respect of minerals specified in sub-section (1) of section 8A of the MMDR Act, 1957, as inserted by the Mines and Mineral (Development and Regulation) Amendment Ordinance, 2015, period of validity of approvals accorded under Section-2 of the FC Act shall be extended, and shall be deemed to have been extended upto a period co-terminus with the period of

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mining lease in accordance with the provisions of the MMDR Act, 1957, as amended, subject to the following conditions:

- (i) The State Government shall, within a period of two years from the date of issue of this letter, realize from the user agency, Net Present Value (NPV) of the forest land for which period of validity of approval under the FC Act has been extended, in case the same has not already been realised, and transfer the same to the ad-hoc Compensatory Afforestation Fund Management and Planning Authority (CAMPA).
- (ii) In case NPV of forest land for which period of validity of approval under the FC Act has been extended by this letter has not already been realised and the State Government fails to realize the same from the user agency within a period of two years from the date of issue of this letter, approval accorded under the FC Act for such forest land shall be kept in abeyance, and shall be deemed to have been kept in abeyance, till such time, the NPV of such forest land is realised by the State Government.
- (iii) Provisions of this letter, notwithstanding anything contained therein, shall not apply to forest land falling in a mining lease for which renewal has been rejected, or which has been determined or lapsed before the issue of this letter.

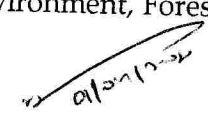
Yours faithfully,


(H.C. Chaudhary)
Director

Copy to:-

1. Prime Minister's Office (*Kind attn.:* Shri Santosh D. Vaidya, Director).
2. Secretary, Ministry of Mines, Government of India.
3. Secretary, Ministry of Coal, Government of India.
4. Secretary, Ministry of Steel, Government of India.
5. Principal Chief Conservator of Forests, all States/UTs.
6. Nodal Officer, the Forest (Conservation) Act, 1980, all States/UTs.
7. All Regional Offices, Ministry of Environment, Forest and Climate Change (MoEFCC).
8. Joint Secretary, In-charge, Impact Assessment Division, MoEF.
9. PS to the Hon'ble Minister of State (Independent Charge) for Environment, Forest and Climate Change.
10. Chairman, State Environment Impact Assessment Authority, all States/UTs.
11. Member-Secretary, State Environment Impact Assessment Authority, all States/UTs.
12. All Directors/ Assistant Inspector General of Forests in Forest Conservation Division, MoEFCC.
13. All Advisors/ Directors/ Dy. Directors in the Impact Assessment Division, MoEFCC.
14. Director, Regional Office (Headquarters), MoEFCC.

15. Sr. Director (Technical), NIC, MoEFCC with a request to place a copy of this letter on website of this Ministry.
16. Sr. PPS to the Secretary, Ministry of Environment, Forest and Climate Change.
17. Sr. PPS to Director General of Forests and Special Secretary, Ministry of Environment, Forest and Climate Change.
18. Sr. PPS to Addl. Director General of Forests (Forest Conservation), Ministry of Environment, Forest and Climate Change.
19. PS to Inspector General of Forests (Forest Conservation), Ministry of Environment, Forest and Climate Change.
20. Guard File.


(H.C. Chaudhary)
Director