

Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Aliganj, Jorbagh Road,
New Delhi-110003
Dated: 17th November, 2020

To

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

Sub: Guidelines under the provisions of the Forest (Conservation) Act, 1980 for undertaking prospecting/exploration/Seismic survey in forest area;streamlining of procedure - reg.

Sir,

I am directed to refer to para 6.8 (v) of the Chapter - 6 of Handbook of Forest (Conservation) Act, 1980 containing instructions for levying NPV in respect of prospecting in forest areas and to inform that representation has been received from the Ministry of Mines to simplify Guidelines under the provisions of the FC Act-1980 for undertaking prospecting/exploration in the forest area.

2. The matter was considered by the Forest Advisory Committee (FAC) in its meeting held on 18.08.2020. FAC observed that the rate of NPV for use of forest land for non-forestry purpose has been fixed by the Hon'ble Supreme Court of India and exemption of NPV, as requested by the Ministry of Mines, cannot be considered by this Ministry. FAC further observed that for each borehole an area of approximately 0.1 ha is impacted from activities that are undertaken during prospecting/ exploration. Accordingly, it is recommended that the Ministry may consider charging NPV on borehole basis instead of the present practice of charging 2 or 5 per cent NPV of the total forest area in the lease area.

3. The Ministry, based on the recommendation of the FAC, hereby, substitutes the para 6.8 (v) of the Handbook of Forest (Conservation) Act, 1980 with the following as under:

6.8 (v) For prospecting/exploration activity in the forest area which requires drilling of more than 25 bore holes of 4 inch dia per 10 sq km / 80 shot holes of 6.5 inch dia per sq km or felling of trees, the following guidelines will be followed:.

- a. *The user agency shall apply for diversion of forest area for seismic/prospecting/exploration surveys and the proposal will be processed as per the procedure laid down in Rule 6 of Forest (Conservation) Rules 2003 (as amended up to date).*
- b. *In case of seismic/ prospecting/exploration surveys in forest land having vegetation density between 0.1 and 0.7, the State Government shall forward the on-line*

application to the concerned IRO (Integrated Regional Office) of the Ministry for approval. The REC may consider the proposal and grant approval on merit to the concerned State/UT.

- c. The amount of NPV and/or payments towards planting of trees, shall be deposited online in the stipulated account, as per the instructions issued by MoEF&CC from time to time.
- d. NPV, in respect of prospecting/exploration shall be charged on borehole basis. It is noted that for each borehole an area of approximately 0.1 ha is impacted with various activities that are undertaken during prospecting/exploration. Any variation from 0.1 ha area per borehole shall be informed by the User Agency at the time of submission of the proposal.
- e. Any amount of NPV deposited in the stipulated Government account is non-refundable. However, the NPV deposited for prospecting in the area, will be adjusted against the estimated NPV to be levied, in case the approval is obtained for diversion of the same forest land for mineral extraction, under Section 2 of FCA 1980.
- f. Permission for carrying out prospecting/ exploration/seismic survey or any payment of NPV deposited for such operations will not confer any right with user agency to get forest clearance of that particular land under Section 2(ii) of FCA 1980. All decisions will be taken as per procedure prescribed in Forest Conservation Rules 2003 (as amended upto date) and on merit.
- g. User agency shall submit complete plan of operation for prospecting/exploration/Seismic survey in the entire forest area prior to start of work to the Nodal officer of the State.
- h. User agency, as the case may be, shall prepare a plan to plant 110 tall trees per borehole / 2 tall plants per shot hole as the case may be. The cost of preparation of plan and plantation shall be borne by the user agency. State government shall ensure that the plants are planted on abandoned bore-hole area or degraded forest land, as per prescription of working plan.
- i. For exploratory drilling in hydrocarbon sector and seismic surveys in forest area (with shot holes numbers up to 80 per sq km of 6.5 inch diameter each) specific guidelines issued vide ministry's letter no 11-423/2011-FC dated 30th September 2019. and 11-238/2019-FC dated 14.1.2020 shall be followed.
- j. For seismic survey prior permission of Central Government under the Act would be required if the number of shot holes per sq km is more than 80 (of 6.5 inch dia in each case). NPV @ 1 percent of total forest area within lease area proposed for prospecting will be charged

This issues with the approval of the competent authority.

Yours faithfully,

Sd/-

(Sandeep Sharma)

Assistant Inspector General of Forests

Copy to:

1. The Secretary (Coal), Government of India
2. The Secretary (Mines), Government of India
3. The Secretary (Steel), Government of India
4. The Principal Chief Conservator of Forests, All State Govt.ss/UT Administrations
5. The Dy. Director General of Forests (Central), All IROs of MoEF&CC
6. The Nodal Officer (FCA), Office of the PCCF, All State Govt.s/UT Admins
7. PPS to Secretary (EF&CC) GoI, PPS to DGF&SS, MoEF&CC, GoI
8. Monitoring Cell, FC Division, MoEF and CC, New Delhi

