



कार्यालय : प्रधान मुख्य वन संरक्षक-सह-कार्यकारी निदेशक,
बंजर भूमि विकास बोर्ड, झारखंड, राँची।

वन भवन, डोरण्डा, राँची, झारखंड-834002, Email : pccf-ednodal@gov.in

पत्रांक : 8541

राँची : 22/8/2023

सेवा में,

अपर मुख्य सचिव,
वन, पर्यावरण एवं जलवायु परिवर्तन विभाग,
झारखण्ड सरकार, राँची।

विषय:- खूँटी वन प्रमण्डल के अन्तर्गत मेसर्स रूंगटा माईन्स लिमिटेड द्वारा परासी स्वर्ण ब्लॉक में खनन हेतु प्रस्तावित 11.959 हे० वन भूमि अपयोजन का प्रस्ताव।

प्रसंग:- वन विभागीय पत्रांक 3510 दिनांक 14.12.2021 एवं पत्रांक 1120 दिनांक 11.04.2022.

महाशय,

उपर्युक्त प्रासंगिक पत्रों द्वारा विषयक वनभूमि अपयोजन प्रस्ताव के संबंध में मुख्यमंत्री सचिवालय, झारखण्ड द्वारा खनन के संदर्भ में वनभूमि अपयोजन के अद्यतन प्रावधानों की मांग की गई है।

उपरोक्त के आलोक भारत सरकार, पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, नई दिल्ली के पत्रांक-F. No. 5-2/2017-FC, दिनांक 28.03.2019 द्वारा वन (संरक्षण) अधिनियम, 1980 के तहत निर्गत दिशानिर्देश पुस्तिका के प्रावधानों के अनुसार Chapter-7 (Mining Projects) संबंधित दिशानिर्देश की छायाप्रति इस पत्र के साथ संलग्न कर अग्रेतर कार्रवाई हेतु भेजी जा रही है।

अनु०:- यथोक्त।

विश्वासभाजन,


22/8/23
प्रधान मुख्य वन संरक्षक-सह-कार्यकारी निदेशक,
बंजर भूमि विकास बोर्ड, झारखण्ड, राँची।

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F. No. 5-2/2017- FC
Government of India
Ministry of Environment, forests and Climate Change
(FC Division)

Indira Paryavaran Bhawan,
Aliganj, Jor Bag Road,
New Delhi - 110003.

Dated: 28th March, 2019

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

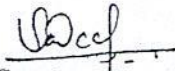
Sub: Handbook of guidelines for effective and transparent implementation of the provisions of Forest (Conservation) Act, 1980.

Sir,

In supersession of all guidelines issued in the past, a handbook of guidelines is issued for effective and transparent implementation of the provisions of Forest (Conservation) Act, 1980. All the provisions enshrined in these guidelines will be applicable from 8th March 2019 onwards. The copy of comprehensive guidelines is available on Ministry's website: www.parivesh.nic.in.

This issue with the approval of competent authority.

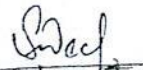
Yours faithfully,


(Sandeep Sharma)

Assistant Inspector General of Forest (FC)

Copy to:

1. Prime Minister's Office, New Delhi.
2. Secretary, Ministry of Mines/Coal/Steel/MoRTH/MoPNG/MHA/MoP/MoTA, Government of India, New Delhi.
3. Principal Chief Conservator of Forests, all State/UT Governments.
4. Nodal Officer (FCA), all State/ UT Governments.
5. All Regional Offices, Ministry of Environment, Forest and Climate Change (MoEF&CC), GoI, New Delhi.
6. Joint Secretary in-charge, Impact Assessment Division, MoEF&CC, GoI, New Delhi.
7. All IGF/ DIGF/AIGF in MoEF&CC, GoI, New Delhi.
8. Sr. Director (Technical), NIC, MoEF&CC with a request to place a copy of the letter on website of this Ministry.
9. PPS to Secretary (EF&CC)/DGF&SS/ADGF(FC)/ADGF(Wildlife), MoEF&CC, New Delhi.
10. Guard File.


(Sandeep Sharma)

Assistant Inspector General of Forest (FC)

o/c
17/4/19

Chapter 7

Mining Projects

7.1 Extraction of minerals from/beneath the Earth's surface is an important site-specific activity regulated under various acts viz. Mines and Mineral (Development and Regulation) Act through grant of mining leases, or allocation of areas acquired under Coal Bearing Area Act, Petroleum & Natural Gas Rules under the Oil Field (Regulation and Development) Act 1954. Mining, including open cast and underground mining as also for removal of boulders, bajri, stones, sand etc. from/in the river beds, is a non-forestry activity and if any mining lease/project involves forest land as defined by the Apex court in its order of 12.12.1996, prior approval of the Central Government is required under the FCA 1980 and rules made there under.

7.2 The Supreme Court of India in its order of 6th July 2011 issued guidelines so as to not create *fait accompli* situation in the matter of diversion of forest land under the FCA, 1980. Therefore, in the case of new mining leases/projects having forest land in part or in full, approval under FCA for diversion of entire forest land located within the mining lease/project is to be obtained before execution/renewal of mining lease/project.

7.3 Mining in respect of minerals (other than coal, lignite, and atomic minerals) regulated under MMDR Act:

- (i) In case of mining projects, having forest land in part or in full, approval of Central Government under Section 2(iii) of the FC Act, for the entire forest land located within a mining lease shall be obtained before execution of a mining lease in accordance with the provisions of the Mines and Minerals (Development and Regulation) Act, 1957 and the rules framed there under. Mining in the forest land within the ML area, including government can be done only after diversion of the forest area under section 2(ii) of the FC Act, 1980.
- (ii) In case of existing mining leases having forest land in part or in full for which mining lease has already been executed at least once before 1st April, 2015 but approval under the FC Act for even a part of forest land falling in such mining leases has not been obtained no mining shall be allowed in such mining leases after 31.03.2017 till approval under Section 2(iii) of the FC Act for the entire forest land falling in such mining lease is obtained and NPV of forest land falling in such mining leases as stipulated in such approval is realized from the user agency and provisions of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Rights) Act 2006 are complied with. Any mining in the forest land within the ML area can be done only after diversion of the forest area under section 2(ii) of the FC Act, 1980.
- (iii) In case of existing mining leases, where approval under section 2 (ii) of the FC Act for the entire forest land in the mining lease has been obtained before 1.4.2015 the FC validity is deemed to have been extended co-terminus with ML in accordance of the provision of the MMDR Act. The extension of validity of FC is subject to realization of NPV before 31.3.2017, if not already realized earlier, failing which the Forest Clearance shall remain in abeyance till NPV is realized. Moreover, this deemed extension 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 1.4.2015.
- (iv) In case of existing mining leases having forest land in part or in full where approval under section 2 (ii) of the FC Act for a part of the forest land has only been obtained, the

Central Government accorded General Approval on 1st April 2015 under section 2(iii) of the FC Act for the remaining area of the forest land falling within such mining leases subject to the following conditions for execution of Mining Lease.

- a. State Government shall realize from the user agency NPV of the entire forest land falling in the mining lease, in case NPV of such forest land has not already been realized and deposit of NPV is confirmed by the concerned authority under CAMPA/Ad-hoc CAPMA.
- b. The provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 are complied with for the entire forest area. However, mining may not be stopped in the forest area for which FC has already been obtained before grant of General Approval with compliance to the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.
- c. No mining activities in such mines shall be allowed till such time after 01-04-2016 up till full realization of NPV.
- d. The General Approval shall be valid for a period co-terminus with the period of mining lease in accordance with provisions of the Mines and Minerals (Development and Regulation) Act, 1957, as amended, and the rules framed thereunder;
- e. Grant of the General Approval under Section 2(iii) does not in any manner create any right or equity in favour of the user agency for grant of approval under Section 2(ii) of the FC Act and decision on the proposals under Section 2 (ii) will be taken purely on the merit of each case.
- f. However, mining in the forest land within the ML area can be done only after diversion of the forest area under section 2(ii) of the FC Act, 1980 obtained following the procedure prescribed under the Rules made under the FC Act 1980.
- g. Grant of this General Approval does not in any manner exonerate the concerned authorities in the State Government or any other authority from the proceedings under Section 3A and 3B of the FC Act liable to be initiated for violation, if any, of the FC Act committed by them by assigning such forest land for mining lease without obtaining prior approval of the Central Government under Section 2 of the FC Act.
- h. State Government shall submit the report every quarter (as on 1st January, 1st April, 1st July and 1st October every year) for all such cases for which permission has been granted by the State Government for signing mining lease agreement under general approval under section 2(iii) of FC Act to the Central Government (MoEF&CC) in the following proforma:

Report for the quarter										
S. N o.	Detail of FC Clearance under section 2(ii)						Permission for mining lease (ML) by State Government under			
	Case/ File no.	Date of FC	Total Forest Area (FL)	Total Non-forest area (NFL)	Total Lease area (FL+ NFL)	FC granted for FL area	Date	Forest area for which lease granted	NPV Deposited (In Rs)	FRA 2006 complied or not (Y/N)

- (v) In case of mining leases having forest land in part or in full, the concerned user agency may execute a single mining lease in accordance with the provisions of the Mines and Minerals (Development and Regulation) Act, 1957 and the Rules framed there under, for the entire area falling in the mining lease after final approval under Section-2 of the Forest (Conservation) Act, 1980 for the entire forest land falling in such mining lease is obtained.

However, the State Government, if so desires, may execute a separate mining lease for a whole or part of non-forest land falling in such mining lease, once stage-I approval under Section 2 of the Forest (Conservation) Act, 1980 for the entire forest land falling in such mining lease is obtained. The Government, in such cases, shall take all measures to ensure that no violations of the Forest (Conservation) Act, 1980 occurs on the forest land.

- (vi) The existing period of validity of forest clearance granted for diversion of forest land under section-2(ii) of Forest (Conservation) Act 1980 for mining of minor mineral in the State regulated under Rules made under section 15 of MM (DR) Act, 1957 shall be for a period co-terminus with the period of mining lease as deemed extended under the Rules made under section 15 of MM (DR) Act, 1957 subject to the following conditions:

- a. The State Government shall, realize from the user agency the Net Present Value (NPV) of the forest land so diverted, if not realized so far, within two years in two equal installments from the date such Rules became enforceable.
- b. In case of NPV of forest land for which a period of approval under the FC Act, 1980 has been extended has not been realized and the State Government fails to realize the same within the period of two years as per the clause (i), approval under the FC Act for such forest land shall be deemed to have been kept in abeyance, till such time, the NPV of such forest land is realized by the State Government and all mining operations shall be suspended during the period the FC has been kept in abeyance.
- c. In case where diversion of forest land has been accorded in single proposal to a State agency for cluster of mines assigned to more than one lease holder, the entire NPV as applicable shall be deposited within two years in two equal installments by the State agency in whose favor the FC has been granted.
- d. The Regional Office of the Ministry shall regularly monitor status of compliance to conditions stipulated in approvals accorded under the FC Act for diversion of forest land falling in mining leases so as to ensure that the user agencies comply with all the conditions before the land falling in such leases is surrendered to the concerned State Government/Union Territories on expiry of the mining lease.
- e. Those mining leases whose mining lease had expired but were under extension (deemed or otherwise) when these Rules came into force and had not obtained Forest Clearance will be required to obtain fresh Forest Clearance under section 2(ii) of FC Act, 1980.
- f. 'Provisions' of here-in, 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 30.11.2017.

7.4 Mining in respect of atomic minerals regulated under MM(DR) Act, 1957

In case of existing mining leases in respect of Atomic Minerals specified in Part B of the First Schedule of the Mines and Minerals (Development and Regulation) Act, 1957, period of validity of approvals Mineral Concessions Rules 2016 accorded under the Section-2 of the FC Act shall be extended and shall be deemed to have been extended up to a period coterminus with the period of mining lease or a period of 50 years, whichever is earlier from the date of notification of the Atomic Mineral Concessions Rules, 2016 on 11th July 2016, subject to the following conditions:

- (i) Realization of NPV by the State Government, if not already realized, within the period specified by the MoEF&CC i.e. on before 25.02.2018.
- (ii) In case NPV has not been already realized and the State Government fails to realize NPV as mentioned in (i) above, approval accorded under FC Act shall be kept in abeyance till such time NPV is realized.
- (iii) This provisions 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.
- (iv) In the cases where the forest Clearance has expired and has not been renewed, fresh forest clearance under FC Act would be mandatory required before renewal of the mining lease.

7.5 Mining of minor minerals

- (i) Extraction of minor minerals like boulders, bajri, stone, shell, etc. from the riverbeds shall not be permitted if the river bed is in a national park or a wildlife sanctuary unless such extraction is for the benefit of the forest or wildlife. Extraction of minor minerals when permitted shall be from the middle of the riverbed after leaving one fourth of the river bed on each bank untouched.
- (ii) There shall be no labour camp in the forest area for the labour involved in the extraction work.

7.6 Coal mining

User Agency shall apply for diversion of forest land for coal mining under the FCA, 1980, in respect of entire forest land within a coal mine project in the case of coal mines in/over an area vested in a Government Company under the Coal Bearing Area Act 1957, or a coal mine vested in a Government under the Coal nationalization act 1973, or a coal block allotted under Allocation of coal blocks, Coal Blocks Allocation Rules, 2017 under the MMDR Act 1957, including at the time of renewal.

The validity of clearance granted under FC of FC shall be coterminous with the life of the mine as per the approved mine plan subject to a maximum of 30 years as provided in the MMDR Act, 1957 as amended up to Mines and Minerals (Development and Regulation) Amendment Act, 2015.

For extension of period of validity of FC not involving change in Mine Area or total quantity of coal to be extracted, application may be made in the form of a letter to the MoEF&CC through the State Government along with justification for extension requested, and the

present status of compliance of the conditions of all previous FCs duly certified by the concerned Regional Officer of the MoEF&CC.

7.7 Petroleum Mining

Non-forest use of forest land included in the petroleum mining lease under the Petroleum & Natural Gas Rules under the Oil Field (Regulation and Development) Act 1954, will be permissible after diversion of forest land involved for undertaking drilling of oil well and associated activities with prior approval of the Central Government under the FC Act 1980, and payment of NPV for such forest areas. The NPV so payable will be in addition to NPV payable at the time of approval for the Grant/re-grant of Petroleum Mining lease.

7.8 Mining Proposals:

(i) It has been observed by the Central Government that a large number of proposals relating to mining are submitted which are located deep inside the forest areas. Locating such proposals inside makes entire forest area vulnerable due to ancillary activities like construction of approach road, movement of vehicles and coming up of colonies for the workers. Therefore, Ministry has decided that whenever a proposal for fresh mining is submitted, a brief profile of the lessee/company should be submitted giving details of their existing mining leases in the State with their capacity of production, the present level of average annual production, location of these pits and the status of reclamation of forest land that are exhausted minerals. Along with this, the State Government should also submit details of all other mining leases for that particular mineral with their capacity and average annual production and projected future requirements. They should fully justify the necessity of opening new mining leases for that particular mineral. Mining proposals in forest areas in respect of coal and other major minerals should be accompanied with the following documents: -

(a) In respect of underground mining in stratified deposits in forest areas

The mining plan in stratified deposits in forest areas should include the predicted subsidence, slope and strain values and their impact on forests and surface and their mitigation. The maximum tensile strain of 20 mm per meter and thereby the surface cracks of width of about 200-300 mm is to be permitted in forest areas. Accordingly, the mining plans should be made to restrict the subsidence movement within these limits along with mitigation measures. All mining plans in respect of coal and other major minerals should be accompanied with numerical modeling in 3-Dimension for subsidence prediction through an expert mining engineer/organization to assess long term damage on surface vegetation due to underground mining preferably from Banaras Hindu University, or Indian School of Mines, Dhanbad, or any of the IITs or M/s CMRI along with the mitigation measures suggested by them should be submitted along with the proposal. The surface layout of mining area should be designed so as to use minimum possible land; and wherever feasible, the surface facilities should be planned over non-forest areas.

(b) Open cast mining in forest areas

In respect of open cast mining in forest areas, a comprehensive study of solid waste management and land reclamation with post mining land use plan and de-commissioning should be made and the plan should envisage the minimum possible overburden dumping outside the mine. In place where the non-forest land is available, the external dumping of the overburden should be planned on non-forest land. Special attention should be given to top-soil and sub-soil handling and management.

Installation of temporary Crushing and screening Plants in mining lease area already approved by the Central Government shall be subject to following guidelines:

- To suppress the fugitive dust at the crushing screen mobile plant, special water jets with mist spray should be provided at dumper platform crusher, screens, transfer points and unloading points. At all transfer points sprinkling of water with the help of spray nozzles will be done to suppress fugitive dust.
- In sensitive areas, mobile crusher screening unit(s) should adopt wet dust suppression measures augmented by foam injection to control dust from the material handling and processing operations, if found necessary.
- As an administrative control, any movement of these mobile plants should be informed to the State Pollution Control Board or the Regional Office of the MoEF&CC to keep a track of their location and monitor/check pollution control measures taken by the operator.
- As far as possible, no such unit should be located within 02 kilometers from the Forest/Colony/NH or SH without effective wet suppressing measures at the crusher, screening, transfer and uploading points.
- There should be sufficient safeguards against noise pollution and safe noise level should be maintained.
- If found necessary for better control in such location, prior permission to operate, shall be taken from the State Forest Department and the State Pollution Control Board.
- Since all these are mobile operations, the local administration and forest official should be kept posted with the change of location and possible time period of its operations within leasehold.

(c) Land use pattern:

As per the MMDR (Amendment) Act 2015 & Mineral (Evidence of Mineral content) Rules, 2015, a mining lease can be granted pursuant to ensuring G-2 level of exploration (prospecting) and lessee has to prove the mineral up to G-1 level in next 5 years of time, hence land use in the mining plan should be prepared up to conceptual period and the land use of diversion proposal should be same as land use in the Mining plan. After G-1 level of exploration, the mining plan/scheme should be modified accordingly and final land use pattern should be submitted to MoEF&CC for information and record.

(d) Any proposal for diversion of forest for mining involving any forest land in respect of which diversion has been approved earlier will invariably be submitted along with the present status of compliance of the conditions of all previous FCs duly certified by the concerned Regional Officer of the MoEF&CC.

(e) Approach road/conveyor belt and other ancillary activities related to mining shall be considered as part of the mining project and should therefore be processed accordingly.

7.9 Safety Zone:

All mining projects, including cluster-mines, are required to have a 7.5-meter-wide peripheral safety zone within the Mining Lease area, properly demarcated with boundary pillars with DGPS coordinates inscribed on them and to be maintained as effective green belt. This shall be applicable prospectively to all fresh diversion proposals approved after 27th May 2015. However, the mining projects for which diversion of forest land have been approved before 27th May 2015, the UA shall take approval of forest land in the safety zone, if not already taken.

Any forest land within the safety zone if put to non-forest use shall require prior approval under the FCA along with other forest land in the ML for execution of ML under MMDR Act, 1957 as amended from time to time.

Further:

- i. The width of 10m and 50 m strip on either side of public road and natural stream respectively located inside the mining lease shall be protected but will not be considered as a part of safety zone.
- ii. Safety zone will be redrawn taking the cluster of all the mining leases taken together, if all the leases are carried by the same user agency.
- iii. CA and NPV will be regulated as per the guidelines related to CA & NPV.