

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

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

Dated: 21st September, 2023

To

The Addl. Chief Secretaries/Principal Secretaries (Forests),
All States/ Union Territory Administrations.

Sub: Transfer of approvals granted under the Forest (Conservation) Act, 1980 to mining leases allotted to new lessee as per the provisions of the Mines and Minerals (Development and Regulation) Amendment Act, 2020 & 2021

Sir,

I am directed to refer to the Government of Karnataka's letter no.no. KFD/HoFF/A5-1(Misc)/08/2021-FC dated 30.08.2023 on the above subject requesting Ministry to consider transfer of forest clearance in favour of successful bidders at MoEF&CC level for the auctioned 'C' Category mines in accordance with the provisions of the guidelines dated 7.07.2021. In this connection, it is to inform that matter has been considered by the Advisory Committee in its meeting held on 11th September, 2023. Minutes of the meeting of the Advisory Committee may be perused at <https://parivesh.nic.in>.

Based on the recommendation of the Advisory Committee and approval of the same by the competent authority in the MoEF&CC, New Delhi, the Central Government reviewed the matter in light of directions contained in the Hon'ble Supreme Court order dated 30.07.2015 passed in W.P. (C) No. 562 of 2009 and order dated 4.08.2006 passed in W.P. (C) No. 202 of 1995. The mining operations in Category C mines were stopped by the Hon'ble Supreme Court and subsequently after their auction to successful bidders, the Hon'ble Supreme Court issued directions containing procedures to resume mining operations in these leases. After an holistic review of the situation and based on the recommendation of the Advisory Committee, the Central Government hereby issues the following guidelines:

- i. Approval granted under the Forest (Conservation) Act, 1980 to erstwhile user agency may be transferred by the Ministry in favour of the successful bidder in MoEF&CC, New Delhi on case to case basis in accordance with the provisions of the MoEF&CC's guidelines dated 7.07.2021. The State Government while submitting such proposals for transfer of approval to the Ministry shall submit the updated status and detail of compensatory afforestation, status of payment of NPV, implementation of Reclamation and Rehabilitation Plan, funds utilization by the Special Purpose Vehicle for the conservation and protection of forests, action taken report on the violations of the Forest (Conservation) Act, 1980 committed by the erstwhile agency and status of approval of the forest land located in the safety zone.
- ii. In respect of mining leases where application of transfer of approval was

made in time and the Ministry considered the transfer request but the validity of FC approval was assessed from the date of original period of grant of lease while the successful bidder has been issued fresh Lol for a period of 50 years. In such cases, the ex-post facto approval will be granted by the MoEF&CC for extending the validity of approval granted under the Forest (Conservation) Act, 1980 to make it co-terminus with the validity of lease granted under the MMDR Act, 1957 provided compliance of all conditions stipulated in the FC approval granted to erstwhile agency including raising of CA and payment of NPV are complied with by the State and the user agency. In case of non-compliances, if any, the working permission with conditions for a period not exceeding one year will be granted by the Central Government to enable the State/user agency to comply with the conditions of approval granted under the Forest (Conservation) Act, 1980 as per the extant guidelines issued by the Ministry.

- iii. In case the State Government/user agency fails to submit the complete compliance of conditions stipulated in the approval granted to erstwhile agency within a period of one year, the approval of the Central Government granted under the Forest (Conservation) Act, 1980 shall be deemed to be cancelled.

This issue with the approval of Competent Authority.

Yours faithfully
Sd/-
(Charan Jeet Singh)
Scientist 'D'

Copy to:

1. The PCCF, All States/ Union Territories Administration.
2. The Regional Officer, All Integrated Regional Office of MoEF&CC
3. The Nodal Officer(FCA), O/o the PCCF, All States/ Union territories Administration.
4. Monitoring Cell of Forest Conservation Division, MoEF&CC, New Delhi
5. Guard file