

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

Indira Paryavaran Bhawan,
Jor Bagh Road, Aliganj,
New Delhi-110 003.
Dated: 30th November, 2017.

To

The Principal Secretary/Secretary (Forests),
All States / Union Territories Governments.

Sub: Diversion of forest land for non-forest purpose under the FCA 1980 – Guidelines regarding extension of period of validity of approvals accorded under the FCA 1980 for diversion of forest land for mining projects.

Sir,

Kindly refer to the guidelines issued by this Ministry vide letter No. F. No. 11-51/2015-FC dated 1st April 2015, F. No. 11-51/2015-FC dated 1st May 2015, F. No. 11-599/2014-FC dated 1st May 2015 and F. No. 5-5/2017-FC dated 20th September 2017 in view of MMDR Amendment Act, 2015 regarding extension of validity of approvals accorded under section 2 of FC Act. Ministry vide above mentioned letter, extended the validity of FC approvals upto a period co-terminus with the period of mining lease in accordance with the provisions of MMDR Act, 1957, as amended by MMDR Amendment Act, 2015 subject to conditions specified in these guidelines.

As per the section 15 of the MMDR Act, 1957 the state Government may, by notification in the Official Gazette, make rules for, regulating grant of quarry leases, mining leases or other mineral concessions in respect of minor minerals and for purposes connected therewith specifying the validity of lease period. Representations have been received from various states that the period of validity of the Forest Clearance granted under section 2(ii) of the Forest (Conservation) Act, 1980 may be made co-terminus with the mining lease period as provided in the Rules made by the State Government under section 15 of MMDR Act, 1957 in light of the similar guidelines issued for minerals covered under MMDR Act, 1957 as amended in MMDR Amendment Act, 2015.

The Ministry has examined the matter and I am directed to convey that 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 MMDR 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 MMDR Act, 1957 subject to the following conditions:

- (i) 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 instalments from the date such Rules became enforceable.

- (ii) 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 realized 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.
- (iii) 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 instalments by the state agency in whose favor the FC has been granted.
- (iv) 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 these conditions before the land falling in such leases is surrendered to the concerned State Government/ Union Territories on expiry of the mining lease.
- (v) 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.
- (vi) 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.

This issues with the approval of competent authority.

Yours faithfully,


(Naresh Kumar)

Dy. Inspector General of Forests

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1. All PCCFs States/UTs
2. All Regional Office, MOEF&CC
3. Nodal Officers (FCA) O/o the PCCFs All States/UT
4. DIGF(FC)/Dir(ROHQ)/All AIGFs(FC), MOEF&CC New Delhi
5. PPS to Secretary, MOEF&CC New Delhi
6. PPS to DGF&SS, MOEF&CC New Delhi
7. PPS to IGF(FC)
8. Guard File


(Naresh Kumar)

Dy. Inspector General of Forests