

F. No. 11-85/2016-FC
Government of India
Ministry of Environment, Forests & Climate Change
(Forest Conservation Division)

Indira Paryavarn Bhawan
Aliganj, Jor Bagh Road
New Delhi – 110003
Dated: 30th March, 2017

To,
The Principle Secretary (Forests)
All States & UTs

Sub: Guidelines for diversion of forest land for non forestry purposes under the Forest (Conservation) Act 1980- Submission of proposal to obtain approval for diversion of entire forest land located within a mining lease regarding clarification in guidelines issued by Ministry of Environment, Forest & Climate Change vide letter no. F. No. 11-85/2016--FC dated 30.11.2016.

Sir,

Kindly refer to the Para 3 (v) of guidelines dated 1.4.2015 granting general approval under section 2(iii) of Forest (Conservation) Act, 1980 in case of existing mining lease having forest land in part or in full where approval under section 2 of the Forest (Conservation) Act, 1980 for forest land has only been obtained and subsequent modification of the said guideline dated 30.11.2016 to include compliance of provisions of Forest Right Act (FRA), 2006.

1. In light of the clarification by the Ministry of Tribal Affairs as referred in Para 3 and 4 of the clarification dated 5th January 2017 issued by Ministry of Mines, and on the request of the Ministry of Mines dated 10.02.2017 to reconsider and take a considered view on the need of necessitating Forest Right Act (FRA), 2006 for the entire forest area at this stage, so that the mining operations may not be stopped on that part of forest land, which has already been diverted under section 2(ii) of Forest (Conservation) Act, 1980 with due compliance of Forest Right Act (FRA), 2006 for the forest area under diversion and the Net Present Value (NPV) deposited for the entire forest land in the lease, the issue has been considered.
2. The matter has been examined in the Ministry and in light of the fact that the state has already executed the mining lease of the entire forest area, where part of the forest area was diverted under section 2(ii) of Forest Conservation Act 1980, under general approval granted under section 2(iii) of Forest Conservation Act 1980 under guideline dated 01.04.2015 after paying the Net Present Value (NPV) for entire forest area under mining lease, but Forest Right Act (FRA), 2006 compliance has not been done for part of the forest area as specified in the guidelines dated 30.11.2016, the ongoing mining operations in those part of the mining lease where approval under section 2(ii) of Forest (Conservation) Act, 1980 have been granted by the Ministry of Environment, Forest and Climate Change and have complied Forest Right Act (FRA), 2006 provisions, the mining operation may not be stopped.

This issues with the approval of competent authority.


(Sandeep Sharma)

Assistant Inspector General of Forest (FC)

Copy to:-

1. Prime Minister's Office (PMO),
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, the Ministry of Environment, Forest and Climate Change (MoEF and CC)
8. Joint secretary, In-Charge, Impact Assessment Division, MoEF and CC
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, MoEF and CC
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, the Ministry of Environment, Forest and Climate Change.
17. Sr. PPS to Director General of Forests and Special Secretary, the Ministry of Environment, Forest and Climate Change.
18. Sr. PPS to Addl. Director General of Forests (Forest Conservation), the Ministry of Environment, Forest and Climate Change
19. PPS to IGF (FC), MoEF&CC
20. Guard File.



Sandeep Sharma

Assistant Inspector General of Forest (FC)

30.3.17