

F. No. 11-247/2016 - FC
Government of India
Ministry of Environment, Forests and Climate Change
(Forest Conservation Division)

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

Dated: 20th June, 2016

To,

The Principal Secretary (Forests),
Department of Environment and Forests,
Government of Goa,
Panaji.

Sub: Guidelines for diversion of forest land for non-forest purpose under the Forest Conservation Act (1980) - Submission of proposals to obtain approval for diversion of entire forest land located within a mining lease.

Sir,

I am directed to refer to the Deputy Conservator of Forests— cum - Nodal Officer (FCA), Government of Goa's letter No. 6-13-(330)-2015-16-FD/6304 dated 17.03.2016 referring the guidelines as issued vide this Ministry's letter no.11-599/2014-FC dated 01.04.2015 & 19.10.2015, and forwarding the details of Mining Leases falling in the category of the existing mining leases having forest land in part for which though the mining leases has already been executed at least once before 1.04.2015 but approval under section 2 of the Forest (Conservation) Act, 1980 for even a part of forest land falling in such lease has not been obtained even once.

2. Para (ii) of the guidelines dated 19.10.2015 as referred by the Govt. of Goa states that the State/UTs may seek general approval under section 2 (iii) of the Forest (Conservation) Act, 1980 on case to case basis. In continuation of this Ministry's guidelines No.11-599/2014-FC dated 01.04.2015, the Ministry further issued a guidelines no. 11-85/2016-FC dated 31.03.2016 (**copy enclosed**) for compliance by the State/UT Government.

In view of above, it is requested to kindly intimate the action taken by the State Government so far in each of such case under section 2 of the Forest (Conservation) Act, 1980 against Mining Leases falling in the category of the existing mining leases having forest land for even a part of forest land falling in such lease

Yours faithfully,

Encl: As Above.

(Nisheeth Saxena)

Sr. Assistant Inspector General of Forests (FC)

Copy to:

1. The PCCF, Government of Goa, Panaji.
2. The Add. PCCF (Central), Regional Office, Bangalore.
3. Monitoring Cell
4. Guard File.

(Nisheeth Saxena)

Sr. Assistant Inspector General of Forests (FC)

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

Indira Paryavaran Bhawan
Aliganj, Jorbagh Road
New Delhi - 110 003
Dated: 31st March, 2016

To

The Principal Secretary (Forests)
All State / Union Territory Governments

Sub: Guidelines for diversion of forest land for non-forest purposes under the Forest (Conservation) Act 1980- Submission of proposals to obtain approval for diversion of entire forest land located within a mining lease.

Sir,

I am directed to refer to this Ministry's letter No. 11-599/2014-FC dated 1st April 2015 on the above -mentioned subject wherein in case of **existing mining leases** having forest land in part or in full, where approval under the Forest (Conservation) Act, 1980 (FC Act) for a part of forest land has only been obtained, the Central Government accorded general approval under Section 2 (iii) of the FC Act for the remaining area of the forest land falling within such leases, subject to *inter-alia* the following conditions:

- (a) State Government shall, within a period of one year from the date of issue of the said letter, realize from the user agency, Net Present Value (NPV) of the entire forest land falling in the mining lease, in case NPV of such forest land has not already been realised;
- (b) In case State Government fails to realize from the user agency, NPV of the entire forest land falling in a mining lease within a period of one year from the date of issue of the said letter, this general approval in respect of such mining lease, shall be kept in abeyance, and shall be deemed to have been kept in abeyance, and all mining activities in such mining lease shall be stopped, till such time, the NPV of such forest land is realised by the State Government.

2. I am also directed to refer to this Ministry's letter No.11-599/2014-FC dated 10th November, 2015 wherein it was stated that in case of existing mining leases having forest land in part or in full for which though 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 falling in such mining leases has not been obtained, in case the State Government or the Union territory Administration, as the case may be, fails to obtain approval under Section 2 (iii) of the FC

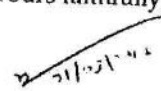
21/03/2016

Act for the forest land falling in such mining lease by giving details (*viz.* date of execution of mining lease deed and area of forest land and non-forest land falling in such mining lease) of such mining leases in letter form to this Ministry, as stipulated in this Ministry's letter No. 11-599/2014-FC dated 19th October, 2015, no mining shall be allowed in such mining leases after expiry of a period of one year from the date of issue of the said guidelines dated 1st April, 2015 till approval under Section 2 (iii) of the FC Act for the entire forest land falling in such mining leases is obtained and NPV of forest land falling in such mining leases as stipulated in such approval is realised from the user agency.

3. This Ministry received representations to extend the said period of one year stipulated in these guidelines.

4. After careful examination of this Ministry, I am directed to say that the said period of one year stipulated in the said guidelines issued vide letters No. 11-599/2014-FC dated 1st April, 2015 and No. 11-599/2014-FC dated 10th November, 2015 is extended for a further period of six months (*i.e.* till 30th September, 2016).

Yours faithfully,


(H.C. Chaudhary)
Director

Copy to:-

1. Prime Minister's Office (*Kind attn.:* Shri Santosh D. Vaidya, Director).
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, Ministry of Environment, Forest and Climate Change (MoEFCC), Government of India.
8. Joint Secretary, In-charge, Impact Assessment Division, MoEFCC, Government of India.
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, MoEFCC, Government of India.
13. All Advisors/ Directors/ Dy. Directors in the Impact Assessment Division, MoEFCC, Government of India.
14. Director, Regional Office (Headquarters), MoEFCC, Government of India.

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, Ministry of Environment, Forest and Climate Change, Government of India.
17. Sr. PPS to Director General of Forests and Special Secretary, MoEFCC, Government of India.
18. Sr. PPS to Addl. Director General of Forests (Forest Conservation), MoEFCC, Government of India.
19. Sr. PPS to Inspector General of Forests (Forest Conservation), MoEFCC, Government of India.
20. File No.11-599/2014-FC for record.
21. Guard File.

(H.C. Chaudhary)
Director