

No. 5-5/86-FC

Government of India

Ministry of Environment and Forests

Paryavaran Bhawan

CGO Complex, Lodhi Road.

New Delhi - 110 003

Dated : 25.11.1994

To

The Chief Secretary

(All states/UTs)

Subject : Guidelines for diversion of forest lands for non-forest purpose under the Forest (Conservation) Act, 1980

Sir,

Detailed guidelines for submission of proposal for diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 were issued vide this Ministry's letter of even number dated 23-6-1989. To further streamline and decentralise examination of proposals under the Forest (Conservation) Act, 1980, revised consolidated guidelines had been prepared on 25-10-1992. A review of the existing guidelines have been done and accordingly, following modifications in the procedure for processing of the proposals under the Forest (Conservation) Act, 1980 have been made in the guidelines of 25-10-92.

I. Particulars to be Furnished alongwith the Proposal

In para 2.2 for sub para (iv), following shall be substituted, namely,

"(iv) The user agency shall submit the proposal for renewal of mining lease to the Forest Department one year prior to date of expiry of existing lease, failing which the proposal may be liable for rejection. The State Government shall send the expiry of the existing lease. In case of any delay, a detailed report elaborating the cause of delay shall be sent along with the proposal".

II. Proposal Requiring Clearance from Environmental Angle In para 2.3

- a. For sub para (i), following shall be substituted namely,

"(i) the projects covered under notifications issued from time to time under Environment (Protection) Act, 1986, shall require clearance separately from environmental angel, as per procedure laid down by the Environmental Wing of the MOEF. Environmental clearance where required should be applied for separately and simultaneously".

- b. For sub para (iii), following shall be substituted

"(iii) For projects requiring clearance from forest as well as environment angles, separate communications of sanction will be issued, and the project would be deemed to be cleared only after clearance from both angles".

III. Land for Compensatory Afforestation

In para 3.2, for sub para (vii) (d), following shall be substituted, namely,

"Cases of renewal of mining lease, for the forest area already broken/used for mining, dumping of overburden, construction of roads, ropeways, buildings etc. For the balance area, compensatory afforestation shall be required to be done as stipulated, provided that not compensatory afforestation had been stipulated and done in respect of this area at the time of grant/renewal of lease earlier".

IV. Lease Period for Mining Lease

In chapter 4, after para 4.15, following shall be inserted, namely,

"4.16 the approval under the Forest (Conservation) Act, 1980 for diversion of forest land for grant/renewal of mining leases shall normally be granted for a period co-terminus with the period of mining lease proposed to be granted/renewed under MMRD Act, 1957 or Rules framed thereunder, but not exceeding 30 years. While recommending cases for approval under the FC Act, the user Agency/State Government shall indicate the period for which the mining lease is proposed to be granted/renewed under non compliance of stipulations to the satisfaction of MOEF, the clearance accorded may be summarily withdrawn".

V. Renewal of Mining Lease - Temporary Working Permission

In chapter 4, after para 4.16. following shall be inserted, namely,

"4.17 In respect of renewal of mining leases, temporary working permission may be granted by the Central Government to continue working in already broken up area upto maximum period of one year, even without formal approval for the renewal, provided:

- a. The user agency has submitted the required proposal with complete details to the Forest Department at least one year prior to the expiry of existing lease period.

- b. The State government has sent the formal proposal to the Central Government for renewal of mining lease prior to the expiry of the existing lease, alongwith particulars and reports as are required to be furnished in the normal course of renewal.
- c. The temporary working permission will be confined to areas already broken up prior to the expiry of the lease, and no fresh areas will be broken up until formal renewal is granted.

These amendments will come in force with effect from 25-10-1994

Yours faithfully

Joint Secretary to the Government of India

Copy to

- 1. Secretary (Forests) of All States/UTs.
- 2. Principal Chief Conservator of Forests, All States/UTs
- 3. All CCFs (Central), Regional Offices.
- 4. Secretaries to all ministries of Govt. of India.
- 5. Cabinet Secretary, Rashtrapati Bhawan, New Delhi.
- 6. Prime Minister's Office, South Block, New Delhi.
- 7. All Divisional Heads in the Ministry of E&F.
- 8. Department of Coal, Shastri Bhawan, New Delhi.
- 9. Department of Mines, Shastri Bhawan, New Delhi.
- 10. PPS to Secretary (E&F)/PPS to IGF/PS to Addl. TGF(FC)/PS to Addl. IGF(WL)/DIG (FC-)/AIG (FC-)/US(FC)/AIG (RO, HQ).
- 11. PS to Addl. Secretaries.
- 12. Guard File.

(ALOK JAIN)

Joint Secretary to the
Government of India