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F. No. 3-78/1996-FC (pt.)
Government of India
Ministry of Environment, Forests and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Aliganj, Jorbagh Road,
New Delhi - 110 003
Dated: 10th March, 2015

To

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

Sub: Guidelines regarding prior approval of Central Government under the Forest (Conservation) Act, 1980 (FC Act) for areas falling in the mining leases which were or are recorded as 'forest' in the Government record on or after the day the FC Act came into force, but while processing and/or approving the proposals under the FC Act for use of forest land falling in such mining leases for mining purposes, such areas were treated as 'non-forest' - reg.

Sir,

I am directed to say that the Hon'ble Supreme Court in their Judgment dated 12th December 1996 in the Writ Petition (Civil) No. 202/1995 in the matter of T.N. Godavarman Thirumulpad versus Union of India and Others *inter-alia* directed as below:

"The Forests Conservation Act, 1980 was enacted with a view to check further deforestation which ultimately results in ecological imbalance; and therefore, the provisions made therein for the conservation of forests and for matters connected therewith, must apply to all forests irrespective of the nature of ownership or classification thereof. The word "forest" must be understood according to its dictionary meaning. This description covers all statutorily recognized forests, whether designated as reserved, protected or otherwise for the purpose of Section 2 (i) of the Forest Conservation Act. The term "Forest land", occurring in section 2, will not only include "forest" as understood in dictionary sense, but also any area recorded as forest in the Government record irrespective of the ownership."

2. The Hon'ble Supreme Court in their afore-mentioned Judgment made it clear that provisions of the Forest (Conservation) Act, 1980 (FC Act), extend to *inter-alia* all those areas which, on or after the day the FC Act came into force (i.e. 25th October 1980), were recorded as 'forest' in the Government record irrespective of ownership.

3. It has however, been observed that while processing and/or approving the proposals under the FC Act, substantial areas included in the mining leases which were recorded as forest in Government records on or after the day the FC Act came into force, have been treated as 'non-forest'. Prior approval of Central Government under the FC Act for use of such areas, for mining and the allied non-forest activities is required to be obtained.

4. After, careful examination of the matter, I am directed to say that State Governments and Union territory administrations shall ensure that mining operations in all such virgin/unbroken areas falling in the mining leases which were or are recorded as 'forest' in the Government record on or after 25th October 1980, but while processing and/or

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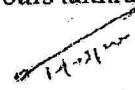
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approving the proposals under the FC Act for use of forest land located in such mining leases for non-forest purpose, were treated as 'non-forest', is undertaken only if the prior approval of Central Government under the FC Act for use of such areas for mining purposes has been obtained or is obtained. However, keeping in view the peculiar circumstances under which while processing and/or approving the proposals under the FC Act for use of forest land falling in such mining leases for mining purpose, such areas were treated as 'non-forest', State Governments and Union territory administrations may allow the concerned user agencies to continue, for a period not exceeding one year from the date of issue of this letter, mining in such areas, which have already been broken up, provided the other statutory requirements and Rules are otherwise being complied with and NPV of such broken up areas has already been realised from the user agency. After one year, even in such broken up areas mining shall be allowed only if the prior approval of Central Government under the FC Act for use of such areas for mining purposes has been obtained or is obtained.

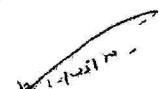
This issues with approval of the Hon'ble Minister of State (Independent Charge) for Environment, Forest and Climate Change.

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 Steel, Government of India.
4. Principal Chief Conservator of Forests, all State/UT Governments.
5. Nodal Officer, the Forest (Conservation) Act, 1980, all State/UT Governments.
6. All Regional Offices, Ministry of Environment, Forests and Climate Change (MoEFCC), GoI.
7. Joint Secretary in-charge, Impact Assessment Division, MoEFCC, GoI.
8. All Assistant Inspector General of Forests/ Directors in the Forest Conservation Division, MoEFCC, GoI.
9. Director Regional Office Headquarters Division, MoEFCC, GoI.
10. Sr. Director (Technical), NIC, MoEFCC with a request to place a copy of the letter on website of this Ministry.
11. Sr. PPS to the Secretary, Ministry of Environment, Forest and Climate Change.
12. Sr. PPS to the Director General of Forests & Special Secretary, MoEFCC, GoI.
13. Sr. PPS to the Addl. Director General of Forests (Forest Conservation), MoEFCC, GoI.
14. PS to the Inspector General of Forests (Forest Conservation), MoEFCC, GoI.
15. Guard File.


(H.C. Chaudhary)
Director