

**GOVERNMENT OF INDIA
ENVIRONMENT, FORESTS AND CLIMATE CHANGE
LOK SABHA**

UNSTARRED QUESTION NO:5543
ANSWERED ON:28.04.2015
FOREST CLEARANCE
Mullappally Shri Ramachandran;Nayak Shri B.V.

Will the Minister of ENVIRONMENT, FORESTS AND CLIMATE CHANGE be pleased to state:

- (a) whether the Government has recently revised the guidelines for forest clearance including for mining projects;
- (b) if so, the details thereof and the reasons therefor;
- (c) whether the Ministry of Tribal Affairs has raised objection to the dilution of forest law; and
- (d) if so, the details thereof and the reaction of the Government thereto?

Answer

MINISTER OF STATE (INDEPENDENT CHARGE) FOR ENVIRONMENT, FOREST AND CLIMATE CHANGE (SHRI PRAKASH JAVADEKAR)

(a) & (b) Keeping in view amendment of the Mines and Minerals (Development and Regulation) Act, 1957 (MMDR Act, 1957) by promulgation of the Mines and Minerals (Development and Regulation) Ordinance, 2015, Central Government issued guidelines to the effect that in case of existing mining leases in respect of minerals specified in sub-section (1) of section 8A of the MMDR Act, 1957, as inserted by the Mines and Mineral (Development and Regulation) Amendment Ordinance, 2015, period of validity of approvals accorded under Section-2 of the Forest (Conservation) Act, 1980 (FC Act) shall be extended, and shall be deemed to have been extended upto a period co-terminus with the period of mining lease in accordance with the provisions of the MMDR Act, 1957, as amended, subject to the stipulated conditions.

To ensure strict compliance with the provisions of the FC Act Central Government also issued guidelines to inter alia the following effect:

(i) Henceforth, in case of mining leases, including those of Government Authorities, having forest land in part or in full, approval of Central Government under Section-2 (iii) of the FC Act, for the entire forest land located within a mining lease shall be obtained before execution (including by way of renewal) of a mining lease in accordance with the provisions of the MMDR Act, 1957 and the Rules framed thereunder.

(ii) User agencies while submitting application to obtain prior approval under Section 2 (iii) of the FC Act, if they so desire, may also seek prior approval of Central Government under Section 2 (ii) of the FC Act for use of the whole or a part of the forest land located within the mining lease for mining and allied non-forest activities. Area of forest land for which approval under Section 2 (ii) and 2 (iii) is sought shall separately be indicated in the proposals submitted by the user agencies. Where at the time of execution of the mining lease prior approval of Central Government under Section 2 (ii) to use the entire forest land falling in the mining lease for mining and allied non-forest activities is not obtained, the user agencies may submit proposal under Section 2 (ii) of the FC Act for the whole or a part of the remaining forest land falling within the mining lease, as and when such forest land is proposed to be utilised for mining and allied non- forest activities

(iii) Central Government after examination of a proposal and after such other enquiry as it may consider necessary, may accord approvals under Section 2 (iii) and 2 (ii) of the FC Act for assigning on lease and to utilize for mining and allied non-forest activities respectively, such areas of forest land, as it may consider expedient, or reject the same.

(iv) Prior approval of Central Government under Section 2 (iii) of the FC Act shall be subject to payment of Net Present Value (NPV) of the forest land allowed to be assigned on mining lease. Similarly, prior approval of Central Government under Section (ii) shall be subject to other usual conditions apart from realization of NPV of the forest and allowed to be utilised for mining and other allied non-forest activities.

In case of existing mining leases having forest land in part or in full, where approval under Section 2 of the FC Act for a part of the forest land has only been obtained, Central Government also accorded general approval under Section 2 (iii) of the FC Act for the remaining area of the forest land falling within such mining leases, subject to stipulated conditions.

(c) & (d) Ministry of Environment, Forest and Climate Change formulated draft revised guidelines on ensuring compliance of the Scheduled Tribes and other traditional forest dwellers (Recognition of Forest Rights) Act, 2006 in the cases of diversion of forest land for non-forest purpose under the Forest (Conservation) Act, 1980. The process of inter ministerial consultation is still going on.

