

F. No. 5-3/2007-FC
Government of India
Ministry of Environment, Forest and Climate Change
(FC Division)

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

Dated: 24th December, 2018

To,

The Principal Secretary/ Secretary (Forests),
All State/ UT Governments.

Sub: Guidelines for stipulating the norms for Survey and Investigation (Prospecting of ores) on forest land-reg.

Sir,

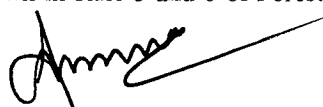
I am directed to refer to this Ministry's letter of even no. dated 09.05.2018 wherein guidelines for "stipulating the norms for Survey and Investigation (Prospecting of ores) on forest land" were simplified and issued on the request of Ministry of Mines, Ministry of Coal and Ministry of Petroleum & Natural Gas, GoI were also requested to modify the existing guidelines to exempt drilling of 15 – 20 bore-holes per sq. km in forest area for prospecting of minerals from the requirement of obtaining prior approval of the Central government under the Forest (Conservation) Act, 1980.

2. After issuance of above stated guidelines by MoEF&CC, many representations have been received from Federation of Indian Mineral Industries (FIMI) forwarded by NITI Aayog, NRE Vertical-E&F Division, Government of India, New Delhi vide their OM letter No. 12074/2(2)/2015-E&F dated 31st May, 2018 requesting for partial withdrawal in said guideline as issued on 09.05.2018 by this Ministry for stipulating the norms for Survey and Investigation (Prospecting of Ores) on forest land.

3. The issue for exploration of coal in forest area was also raised in the meeting held on 02.07.2018 between Secretary (EF&CC) and Secretary (MoC) for review of environment /forest clearance to coal mining projects / washeries. In addition, a high level meeting under the chairmanship of Hon'ble MEF with Hon'ble Minister of Coal, Hon'ble Minister of Steel and Hon'ble Chief Minister of Jharkhand was held in this Ministry on 14th August 2018 wherein the issue related to exemption of NPV for prospecting projects and its adjustment in the amount of NPV required to be paid in actual diversion was discussed.

4. After careful examination of the matter in consultation with Forest Advisory Committee in its meetings held on 19.06.2018, 30.08.2018 and 26.10.2018 to further simplifying the process of grant of approval under the FCA, 1980 for prospecting of mineral in forest areas and **in supersession of the said Ministry's guidelines dated 09.05.2018**, it has now been decided that:

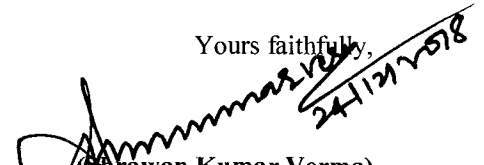
- i. Prospecting in National Parks, Wildlife Sanctuaries, Biosphere Reserves, Tiger Reserves and notified wildlife corridors shall not be allowed.
- ii. Investigations and surveys carried out in connection with development projects such as **transmission lines, hydro-electric projects, seismic surveys, exploration for oil drilling etc.** will not attract the provisions of the Act as long as these surveys do not involve any clearing of forest or cutting of trees, and operations are restricted to clearing of bushes and lopping of tree branches for purpose of sighting.
- iii. Any investigation or survey operation, that involves clearing of forest area or felling of trees, prior permission of the Central Government shall be obtained.
- iv. Prospecting of any mineral, done under prospecting license granted under MMDR Act, including collection/ removal of samples and seismic survey in the forest land, would be a stage between survey & investigation and grant of mining lease and as such permission under Forest (Conservation) Act, 1980 would be required. However, for drilling up to 25 boreholes of maximum 4" dia per 10 sq km for prospecting, exploration or reconnaissance operations, without felling of trees, shall not attract the provisions of the Act.
- v. For prospecting of minerals (including hydrocarbons) which requires drilling of more than 25 boreholes of maximum 4" dia per 10 sq km and/ or felling of trees, the following guidelines will be followed:
 - a. For seismic survey prior permission of Central Government under the Act would be required. **NPV @ 1%** will be charged of total lease area proposed for prospecting.
 - b. The user agency shall apply for diversion of forest area for prospecting and the proposal will be processed as per the procedure laid down in Rule 5 and 6 of Forest (conservation) Amendment



Rules 2016.


- c. In case of proposal in forest area with vegetation density between 0.1 and 0.4 NPV @ 2% will be charged for the total lease area proposed for prospecting.
 - d. In case of survey for coal, lignite, ferrous and non-ferrous minerals using core drilling technology in forestland having vegetation density between 0.4 and 0.7, the State Government shall forward the on-line application to the Regional Office of the Ministry for approval. The REC may consider the proposal and may grant approval on merit to the concerned state/UT, with mandatory conditions *inter alia* that user agency will pay NPV @ 5.0 per cent of the total prospecting lease area in which exploration/ prospecting /survey is proposed.
 - e. Both in-principle and final approval may be granted by the Regional Office in one go. The amount of NPV and/or payments towards planting of trees, shall be deposited online in the stipulated account, as per the instructions issued by Ministry of EF&CC from time to time. State government shall ensure that the NPV and other levies, if any, have been deposited prior to commencement of actual work.
 - f. Any amount of NPV deposited in the stipulated Government account is non-refundable. However, the NPV deposited for prospecting in the area, will be adjusted against the estimated NPV to be levied, in case the approval is obtained for diversion of the same forest land for mineral extraction, under section 2 of FCA 1980.
 - g. Permission for carrying out survey/investigation/prospecting/exploration or any payment of NPV deposited for such operations will not confer any right with user agency to get forest clearance of that particular land under section 2(ii) of FCA 1980. All decisions will be taken as per procedure prescribed in Forest Conservation Rules 2003 (as amended upto date) and on merit.
 - h. User agency shall submit complete plan of operation for prospecting in the entire forest area in the mining block prior to start of work to the Nodal officer of the state.
 - i. User agency shall prepare a plan to plant 20 tall trees per bore-hole area. The cost of preparation of plan and plantation shall be borne by the user agency. State government shall ensure that the plants are planted on abandoned bore-hole area or degraded forest land, as per prescription of working plan.
- vi. Special dispensation is being made for exploration for Hydrocarbons. In case of switching to exploitation/extraction of hydrocarbon, if the bore-well hit the reserve during exploration, the same shall not be treated as a technical violation. However, the user agency shall submit complete online application for diversion, within three months of start of extraction
5. This issue with the approval of competent authority.

Yours faithfully,


(Shrawan Kumar Verma)
Dy. Inspector General of Forests

Copy to:

1. Prime Minister's Office
2. Secretary, Ministry of Mines, Government of India
3. Secretary, Ministry of Coal, Government of India
4. Secretary, Ministry of Petroleum and Natural Gas, Government of India
5. Principal Chief Conservator of Forests, all State/UT Governments
6. Nodal Officer, the Forest (Conservation) Act, 1980, all State/ UT Governments
7. All Regional Offices, Ministry of Environment, Forest and Climate Change (MoEF&CC), GoI.
8. Joint Secretary in-charge, Impact Assessment Division, MoEF&CC, GoI
9. All Assistant Inspector General of Forests/ Directors in the Forest Conservation Division, MoEF&CC, GoI/Director, ROHQ, MoEF&CC, GoI/TO(FC)/TO(RoHQ).
10. Sr. Director (Technical), NIC, MoEF&CC with a request to place a copy of the letter on website of this Ministry.
11. Sr. PPS to the Secretary, MoEF&CC
12. Sr. PPS to the Director General of Forest & Special Secretary, MoEF&CC, GoI
13. Sr. PPS to the Addl. Director General of Forests (Forest Conservation), MoEF&CC, GoI
14. PS to the Inspector General of Forest (Forest Conservation) MoEF&CC, GoI
15. Monitoring Cell, FC Division, MOEF&CC
16. Guard File


(Shrawan Kumar Verma)
Dy. Inspector General of Forests