

**LAW DEPARTMENT'S ADVICE IN REGARD TO MINING LEASES.**

- (i) In respect of the mining operations being carried out on forest lands leased before the commencement of the Forest ( Conservation) Act, 1980 during the continuance of the lease period, the approval of the Central Government under Section 2 of the said Act is not required.
- (ii) A renewal of a lease is really the grant of a fresh lease. [Sec Delhi Development Authority Vs. Durga Chand Kausish, AIR 1973 SC 2609]. The prior approval of the Central Government in terms of Section 2 of the Forest ( Conservation) Act, 1980 would be required when a mining lease granted before the commencement of the said Act is renewed after its coming into force.
- (iii) As held by the Supreme Court in State of Bihar Vs. Banshi Ram Modi ( Supra), prior approval of the Central Government in terms of Section 2 of the Forest ( Conservation) Act, 1980 would not be required for mining and winning any new mineral from a forest land leased for mining before the commencement of the said Act during the leased period originally granted, if the said land is already broken up or cleared before and commencement of the Act. Otherwise, the prior approval of the Central Government under Section 2 of the Act would be required.