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Changes required in Forest Regulations to distinguish “Petroleum Operations” from “Conventional Mining Activities” in pursuant to enactment of ORDA Act, 2025

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Salient Changes in the Oilfields (Regulation and Development)

Amendment Act, 2025 notified through gazette dtd 28th March, 2025

- **ORDA Act, 2025 delineates** 'Mineral Oils Exploration, Development, Production and Conservation Operations' from 'Conventional Mining Activities', governed under the MMDR Act, 1957 or Coal Bearing Areas (Acquisition and Development) Act, 1957
- **A modernized definition of "Mineral oils" given in the Act which includes** -Naturally occurring all Hydrocarbon viz: **Crude oil, Natural gas, Petroleum, Condensate, Coal bed methane, Oil shale, shale gas, shale oil, Tight gas, Tight oil, Gas hydrates** in the form of natural gas or in a liquid, viscous or solid form, or a mixture thereof, **but does not include coal, lignite and helium** occurring in association **with petroleum or coal or shale**
- **Petroleum Exploration Licence (PEL) and Petroleum Mining Lease (PML) replaced with Petroleum Lease (PL)**
- PEL or PMLs granted before commencement of the Oilfields (Regulation and Development) Amendment Act, 2025 **would be treated at par with Petroleum Leases with provision of PEL if desired can be converted to Petroleum Lease**

Consequential Affect after Enactment of ORD Amendment Act, 2025

Oil Mines Regulation, 2017 under purview of Mines Act, 1952 **would continue to administrate** 'Labour' and 'Safety' related matters for 'Mineral Oils Exploration, Development, Production and Conservation Operations' till **Regulation 2(1)(i) of Mines Act, 1952 is amended**

Amendment Required in Van (Sanrakshan Evam Samvardhan) Rules, 2023 (as amended in 2024), where '**Mineral Oil Projects**' are Clubbed with '**Mining Projects**'

FC Approval Flow Process to be Modified in PARIVESH-2.0 Portal for 'Mineral Oils' Projects, where it is presently **aligned with 'Mining' Projects**

'**Goa Foundation Case Judgement**' of Supreme Court on '**Ban of Mining Activities**' inside and within 1 KM from the boundaries of the PAs

Are not applicable for the 'Mineral Oils' Projects

Petroleum and Natural Gas Rules, 1959 (as amended till date)
Requires Amendments through Gazette Notification

Mining of “Minerals”

- The Mines and Minerals (Regulation and Development) Act, 1957 (as amended till date)
- Coal Bearing Areas (Acquisition and Development) Act, 1957
- Mineral (Evidence of Mineral Content) Rule, 2015

- ORD Amendment Act, 2025 **delineates** ‘Operations related to Mineral Oils’ from ‘Conventional Mining Activities’
- Regulations 3 (ad) & 3(b) of MMDR Act, 1957 **also Excludes** “Mineral Oils” (Natural Gas & Petroleum)

Exploration, Development, Production and Conservation of “Mineral Oils” [Onshore and Offshore]

- The Oilfields (Regulation and Development) Act, 1948 (as amended in 2025)
- The Petroleum and Natural Gas Rules, 1959

State Govt grants Onshore PEL/PML (now Known as Petroleum Lease) Blocks under provision of Section 5(1)(ii) of P&NG Rules, 1959

Central Govt grants Offshore PEL/PML (now Known as Petroleum Lease) Blocks under provision of Section 5(1)(i) of P&NG Rules, 1959

Chronology of Forest Regulations Under purview of

Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 previously known as FCA, 1980

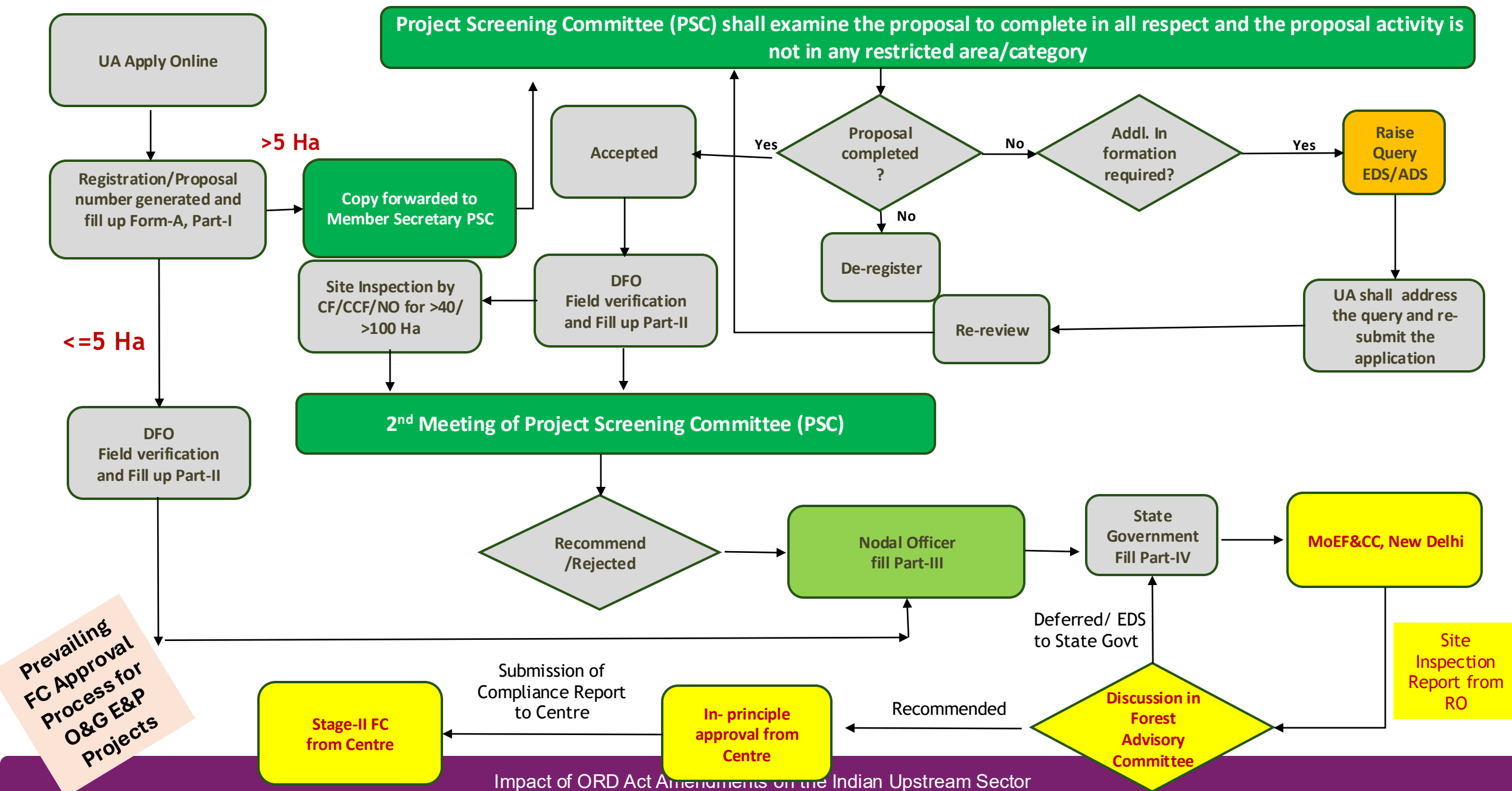
- **Forest (Conservation) Rules 1981** replaced with **Forest (Conservation) Rules 2022** through **Gazette notification dtd 28th June, 2022**
- **Van (Sanrakshan Evam Samvardhan) Rules, 2023** notified through **gazette dtd 29th November, 2023** suppressing **Forest (Conservation) Rules, 2022**
- **Van (Sanrakshan Evam Samvardhan) Amendment Rules, 2024** notified through **gazette dtd 20th September, 2024**
- **Consolidated Guidelines and Clarifications** released by MoEF&CC on **29th December, 2023**

What we Propose to Discuss in consequent to Enactment of ORDA Act, 2025

- 1) **13 new definitions** proposed for incorporation under Regulation 2 for conceptual clarity
- 2) **12 existing vital regulations has to segregate 'Mineral Oils operations' from 'Mining Activities'**
- 3) **2 new Regulations Proposed** for Incorporation
- 4) **5 regulations requires reframing** for clear distinction between 'Survey and Prospecting/Exploration activity in search of Minerals' and 'Seismic Survey in search of Mineral Oils'
- 5) **20 Terminologies to be Amended** to accommodate 'Mineral Oils' and Petroleum Lease etc

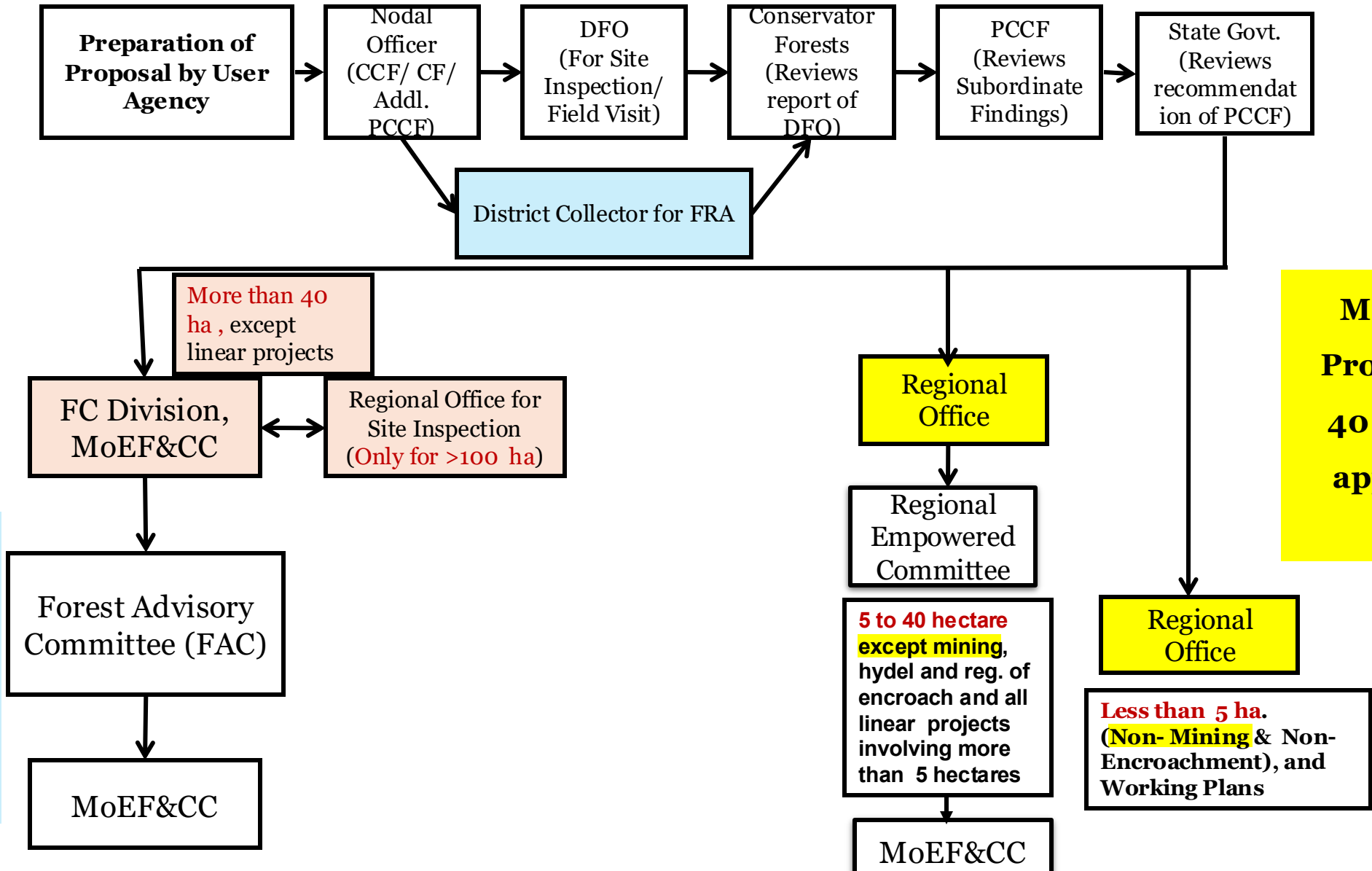
- 1) **Amendment Required** (with gazette notification) in **Van (Sanrakshan Evam Samvardhan) Rules, 2023** published through **gazette notification dtd 29th November, 2023** and amended subsequently vide **gazette notification dtd 20th September, 2024**- As ORDA Act, 2025 delineates '**Mineral Oils Exploration, Development, Production and Conservation Operations**' from '**Conventional Mining Activities**', governed under the MMDR Act, 1957 or Coal Bearing Areas (Acquisition and Development) Act, 1957
- 2) **Amendment Required in 'Consolidated Guidelines'** released by Ministry on 29th December, 2023
- 3) **FC Approval Flow Process to be Modified in PARIVESH-2.0 Portal for 'Mineral Oils' Projects**, where it is presently aligned with 'Mining' Projects- **As ROs can now approve Mineral Oil Projects up to 40 Ha without referring to Centre and without Site Inspection Reports from ROs**
- 4) Since '**Goa Foundation Case Judgement**' of Supreme Court on 'Ban of Mining Activities' inside and within 1 KM from the boundaries of the PAs are **not applicable for the 'Mineral Oils' Projects**- **Seven FC proposals rejected by the Ministry may be considered for approval, which are already approved by SC-NBWL in compliance to Supreme Court's order dtd 5th October, 2015**

FC Process Flow for Mining proposals as per VAN (SANRAKSHAN EVAM SAMVARDHAN) RULES, 2023



Forest Clearance On-line Process – Introduced With effect from 01.11.2014 under FAC, 1980 may Reinstate

Form-A : Fresh FC
Form-B: FC
Form-C: Renewal
Prospecting Minerals



Mineral Oil Projects up to 40 Ha can be approved by ROs

Seven FC proposals Rejected by the Ministry may be considered for approval, which are already approved by SC-NBWL in compliance to Supreme Court's order dtd 5th October, 2015

- i) One FC Proposal No: FP/AS/MIN/28749/2017 (ERD Project of OIL beneath Dibru-Saikhowa NP in Assam): **Rejected by FAC on 04.07.2024**
- ii) Two FC Proposal Nos: FP/TR/MIN/13520/2015 & FP/TR/MIN/13523/2015 (ONGC's Drilling Locations TIDG & TIDC inside Trishna WLS in Tripura): **Rejected on 30.08.2023**
- iii) Four FC Proposal Nos: FP/TR/MIN/13524/2015, FP/TR/MIN/13525/2015, FP/TR/MIN/13527/2015 & FP/TR/MIN/13529/2015 (ONGC's Drilling Locations TIAC, TIDF, TIDE & TIDA inside Trishna WLS in Tripura): **Rejected on 11.11.2022**

1) 13 new definitions proposed for incorporation under Regulation 2 for conceptual clarity:

- i) “Appraisal & Exploratory Drilling”
- ii) “Bore Hole” (term associated with ‘Survey in search of Minerals’)
- iii) “Shot Hole” (term associated with ‘Seismic Survey in search of Mineral Oils’)
- iv) “Mining”
- v) “Minerals” (accommodated under MMDR Act, 1957)
- vi) “Mineral Oils” (accommodated under ORD Act, 1948 now replaced with ORD Amendment Act, 2025)
- vii) “Mining Lease” (granted under purview of MMDR Act, 1957)
- viii) “Petroleum Lease” (granted under purview of ORD Amendment Act, 2025)
- ix) “Petroleum Exploration License”
- x) “Oil Fields”
- xi) “Survey” (in search of Minerals’)
- xii) “Seismic Survey” (in search of Mineral Oils’)
- xiii) “Explorations, Development, Productions & Conservation of Mineral Oils”

2) 12 existing regulations has to segregate Mineral Oils operations from Mining Activities:

(1/12) A separate Chapter to be created for 'Operations related to Mineral Oils' which presently clubbed in **Chapter-7** (Mining Projects) at per with conventional mining projects **vide Regulation (7.1)**

CHAPTER 7

MINING PROJECTS

7.1 Extraction of minerals from/beneath the Earth's surface is an important site-specific activity regulated under various acts viz. **Mines and Mineral (Development and Regulation) Act** through grant of mining leases, or allocation of areas acquired under Coal Bearing Area Act, Petroleum & Natural Gas Rules under the Oil Field (Regulation and Development) Act 1954. Mining, including open cast and underground mining as also for removal of boulders, bajri, stones, sand etc. from/in the river beds, is a non-forestry activity and if any mining lease/project involves forest land as defined by the Apex court in its order of 12.12.1996, **prior approval of the Central Government is required under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980** and rules made there under.

12 existing regulations has to segregate Mineral Oils operations from Mining Activities

(2/12) To be Removed : Regulation (7.10) for ERD projects in **Chapter 7** (Mining Projects) and **SOP for ERD projects appended as Annex-3** in Van (Sanrakshan Evam Samvardhan) Rules, 2023 - **As ERD projects associated with ‘Mineral Oils’ Doesn’t attract Forest Clearance since it doesn’t involve ‘Breaking of Forest Lands’**

7.10 Extended Reach Drilling Technology

Based on the report on Extended Reach Drilling (ERD) technology submitted by the Directorate General of Hydrocarbon on the assessment of ERD on the surrounding flora and fauna and general Standard Operating Procedure (SOP) suggested by the Wildlife Institute of India containing the precautionary measures to be followed while carrying out drilling beneath the forest area using the ERD technology, the Central Government, hereby, accept the report submitted by the Directorate General of Hydrocarbon recommending to exempt the Extended Reach Drilling Technology from the purview of the Van (Sanrakshan Evam Samvardhan)

Adhiniyam, 1980 to undertake drilling in the forest areas, located outside the Protected Areas and Eco-sensitive Zones, subject to fulfilment of the following conditions:

3/12 (a) Regulation 10 (In Principle Approvals of the Proposals) :Sub Regulation 10(1)(ii):

“Forest land up to 40 hectares” to be replaced with “Forest land up to 40 hectares including Mineral Oils Explorations, Development , Production & Conservation Projects”

10. In-Principle approval of the proposal.-

(1) Except the proposals referred to in sub-rule (2), all proposals related to.-

(i) linear projects;

(ii) hydro electric power projects of upto 25 MW capacity proposed in the river basin where cumulative impact assessment to assess the carrying capacity of the river basing has been done

To be Amended



(ii) forest land up to forty hectares; and

“including Mineral Oils Explorations, Development , Production & Conservation Projects” (to add)



(iii) use of forest land having canopy density up to 0.7 irrespective of their extent for the purpose of survey which are not covered under the exemptions provided under clause (iii) of sub-section (1) of section 2 of the Adhiniyam and Guidelines issued thereunder;

shall be examined in the Regional Office and disposed off in the manner specified in sub-rule (3).

For clarity that, ROs can approve ‘mineral oils projects’ up to 40 Ha without referring to Centre

3/12(b) Regulation 10 (In Principle Approvals of the Proposals) :Sub Regulation 10(2)(ii):

“‘Mining’ to be replaced with ‘Mining *which excludes* Operations related to Mineral Oils’ ”

10. In-Principle approval of the proposal.-

(2) All proposals, other than those referred to in sub-rule (1) and following proposals, namely:-

(i) dereservation;

For clarity that, SIR not required from ROs for Mineral Oil Projects

(ii) mining;

“Which Excludes Operations related to Mineral Oils’ (to add)

(iii) hydro electric power projects of more than 25 MW and those falling in a river basin where cumulative impact assessment study to assess the carrying capacity of river basin has not been done or policy decision on allowing the projects in a river basin has not been taken by the Central Government;

(iv) regularisation of encroachment;

(v) ex-post facto approval involving violation of the provisions of the Adhiniyam;

shall be examined and disposed of by the Central Government in the manner specified under these rules.

3/12(c) Regulation 10 (In Principle Approvals of the Proposals) : Foot note after 10(2)(v)

"Petroleum Exploration Licence or Petroleum Mining Lease" to be replaced with "Petroleum Lease"

10. In-Principle approval of the proposal.-

(2) All proposals, other than those referred to in sub-rule (1) and following proposals, namely:-

(i) dereservation;

(ii) mining;

(iii) hydro electric power projects of more than 25 MW and those falling in a river basin where cumulative impact assessment study to assess the carrying capacity of river basin has not been done or policy decision on allowing the projects in a river basin has not been taken by the Central Government;

(iv) regularisation of encroachment;

(v) ex-post facto approval involving violation of the provisions of the Adhiniyam;

shall be examined and disposed of by the Central Government in the manner specified under these rules.

Foot Note

Provided that, no approval is required for assignment of petroleum exploration licence or petroleum mining lease where the physical possession or breaking of forest land is not involved: "Petroleum Exploration Licence or Petroleum Mining Lease" to be replaced with "Petroleum Lease"

To be Amended



(4/12) S.O. 5075 (E)(5) in Para 6.1 in Chapter-6 (Survey, Investigation, Prospecting and Exploration) requires following two amendments with respect to ‘Seismic Survey inside PAs:

- a) **To be Amended**: “ ***No Surveys for Mining of Minerals***” **to be replaced with** “***No surveys for Mining of Minerals which excludes operations related to Mineral Oils***”
- b) **To be Amended** :“***Survey in the Protected Areas for Developmental Projects***” **to be replaced with** “***Survey in the Protected Areas for Developmental Projects including Mineral Oils Explorations, Development , Productions & Conservation Projects***”

S.O. 5075 (E)(5) Reads as follows

“ No surveys for ***Mining of Minerals*** (***which excludes operations related to Mineral Oils*** **to be added**) shall be undertaken in the protected areas such as National Parks, Wildlife Sanctuaries, Tiger Reserves, Tiger Corridors. ***Survey in the protected areas for Developmental Projects*** (***including Mineral Oils Explorations, Development , Productions & Conservation Projects*** **to be added**) other than mining shall be undertaken only after obtaining the approval of the Standing Committee of the National Board for Wildlife or as per the guidelines issued by the Central Government in this regard”

For clarity that, Seismic Survey can be undertaken inside PAs

(5/12) Title to be Changed- Sub-Rule 2.1 under Regulation 2 in Annexure-IV (General and Standard conditions to be stipulated while granting approval under the Van (Sanrakshan Evam Samvardjham) Adhiniyam, 1980) titled “**Mining**” to be Re-titled as “**Mining excluding Mineral Oil Projects**”

(Relevant Portion of Annex-IV Reproduced)
Annexure-IV

General and Standard conditions to be stipulated while granting approval under the Van (Sanrakshan Evam Samvardjham) Adhiniyam, 1980

The following general and standard conditions pertaining to different categories of project shall be incorporated in all cases along with different specific conditions recommended by the MoEF&CC/Regional Office/advisory Committee/Regional Empowered Committee/State Government/UT Administrations)

1. General Conditions:

2. Standard Conditions:

2.1 Mining: (To be Retitled as “Mining excluding Mineral Oil Projects”)

(6/12) Regulations 12.2 in Chapter 12 : Needs One Correction & Two Amendments

- a) **Erratic Stipulation need to be corrected-** *There shall be no De-reservation / De-notification of forests, National Parks and Sanctuaries without approval of the Supreme Court-* As Supreme Court vide order dtd 05.10.2015 delegated power to SC-NBWL for approving projects inside PAs, hence no more approval required from Supreme Court
- b) **To be amended:** “*All Mining Operations in National Parks and Sanctuaries shall continue to remain Suspended*” **to be replaced with** “*all Mining Operations (excluding operations associated with Mineral Oils) in National Parks and Sanctuaries shall continue to remain Suspended*”
- c) **To be amended:** “*No Mining activity is permissible within 1 km of the boundary of a PA*” **to be replaced with** “*no Mining activity (excluding operations associated with mineral oils) is permissible within 1 km of the boundary of a PA*”

(Relevant Portion of Regulation 12.2 Reproduced)

CHAPTER – 12 (DIVERSION PROPOSALS PROPOSED IN AND AROUND THE PROTECTED AREAS)

12.2 In pursuance of order dated 13.11.2000 in Writ Petition (C) No. 337 of 1995 of the Supreme Court, **there shall be no De-reservation / De-notification** of forests, National Parks and Sanctuaries **without approval of the Supreme Court** (**need to be corrected-** As Supreme Court vide order dtd 05.10.2015 delegated power to SC-NBWL for approving projects inside PAs, hence no more approval required from Supreme Court) . Further, in pursuance of the orders of the Hon’ble Supreme Court **all mining operations** (***excluding mineral oil projects*** **to be added**) in National Parks and Sanctuaries shall continue to remain suspended, and **no mining activity** (***excluding operations associated with mineral oils*** **to be added**) is permissible within 1 km of the boundary of a PA.

(7/12) Erratic Stipulations need to be corrected under **Chapter-6** (Survey, Investigation, Prospecting and Exploration) in **S.O. 5075 (E)(3) in Para 6.1** (Order specifying the terms and conditions for undertaking surveys in forest areas)

It Erratically stipulates that, **FC not required** for mineral oils Exploratory Drilling activities, **envisaging that** neither it results into permanent change in the forest land use nor hydrocarbon is produced from Exploratory wells **-When FC is applicable for mineral oils Exploratory Drilling operations, since it involves diversion/breaking of forestlands**

(Relevant Portion of S.O. 5075 (E) (3) Reproduced)

CHAPTER-6 (SURVEY, INVESTIGATION, PROSPECTING AND EXPLORATION)

6.1 Order specifying the terms and conditions for undertaking surveys in forest areas:

S.O. 5075 (E) (3): Exploratory Drilling of Petroleum Mining Leases, Neither resulting into Permanent Change in the Forest Land Use (**need to be corrected- As Exploratory Drilling operations causes permanent change in forest land use since it requires diversion of forest lands**) Nor in Production of hydrocarbon, shall also be Exempted from the provisions of the sub-section (2) of section 2 of the Adhiniyam - **Need to be corrected**

Para 6.3 (vi) in the same Chapter-6 (Guidelines specific to the hydrocarbon sector for undertaking seismic surveys and exploratory drilling in the forest) stipulates Exploratory Drilling attracts FC in Form-A application

(8/12) To be Amended: Sub Regulations 7.4 (iii) and 7.4 (iv) under Regulation

**7.4 (Mining in respect of Minerals , other than Coal, Lignite, and Atomic minerals)
in Chapter-7 (Mining Projects)**

- FC Validity & Transfer for 'Oil Fields' in 'Petroleum Leases' also need to be accommodated in the Sub Regulations 7.4 (iii) and 7.4 (iv) - **Which presently stipulates the same exclusively in reference to the 'Mining operations' in 'Mining Leases' under MMDR Act, 1957 or MMDR Amendment Act, 2021**

Sub Regulation (7.4) (iii) Pronounces: “ *The existing **Period of Validity of Forest Clearance** granted for diversion of forest land under clause (ii) of subsection (1) of section 2 of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 **for Mining of Minor Mineral** in the State regulated under Rules made under **section 15 of MM (DR) Act, 1957** shall be for a Period Co- terminus with the Period of **Mining Lease** as deemed extended under the Rules made under **section 15 of MMDR Act, 1957**”*

(9/12) To be Amended: S.O. 5076 (E) (3) in Regulation 7.2 (Order specifying the terms and conditions for assignment of forest land on lease) in **Chapter 7** (Mining Projects)

- “ *Temporary or non-permanent construction **may be allowed** in case of assignment of forest land on Lease **for a purpose other than Mining**” to be replaced with “temporary or non-permanent construction may be allowed in case of assignment of forest land on Lease **for a purpose other than Mining, which excludes operations associated with Mineral oils**”*

(Relevant Portion of S.O. 5076 (E) (3) Reproduced)

*“In case of assignment of forest land on lease for mining, no breaking of forest land shall be allowed, however, **breaking of forest land to a limited extent such as plantation of trees, and Temporary or Non-Permanent Construction may be allowed in case of assignment of forest land on lease for a purpose other than Mining (**which excludes Operations associated with Mineral Oils- To be added**)**”*

(10/12) **A Clarification OM required:** “**Form C**” (seeking prior approval for **Prospecting of Minerals** in Forest Land) **is not applicable for ‘Siesmic Survey for Mineral Oils’** -, as **Prospecting/ Exploration activities are not associated with ‘Mineral Oils Seismic Survey’**

[S.O. 5075 (E)(1) under Regulation 6.1(Order specifying the terms and conditions for undertaking surveys in forest areas) in Chapter-6 (Survey, Investigation, Prospecting and Exploration)] Stipulates:
Seismic surveys can be undertaken in Forestlands with prior permission of the State Forest Department under the Indian Forest Act, 1927 for entry and carrying out such surveys in the forest lands

Stipulated Conditions in Van (Sanrakshan Evam Samvardhan) Rules, 2023 to be clarified :

- **Chapter 1** (General Clarifications and Court Orders) and Table under **Regulation 1.4 (i)** (Procedure for submission of proposals) titled as “*Application involving use of forest land for Survey, Prospecting, etc*”
- **Form-C** apprehended in **Annex-II**, **which is designed exclusively for Prospecting Minerals** involving Survey with Exploration/ Drilling of Boreholes/ Trenching/ Changing of Temporary & Permanent Land Use by construction of Roads/ Deployment of Machinery associated with Prospecting Activities for Years together generating Noises/ Collection of Ore Sample. Attracting CA land associated with breaking of Forest Lands etc

**FORM-C (Part-I) is Designed for
"Survey in Search of Minerals"**

Not Suitable for

"Seismic Survey in Search of Mineral Oils"

FORM-C (Part-I) is Designed for Survey in Search of Minerals and not Suitable for Seismic Survey

Survey for Minerals	Survey for Mineral Oils
Form with Heading pronounces survey associated with Prospecting Minerals	Prospecting Activity not involved with Seismic Survey for Mineral Oils
Item no (3) : Details of Mineral Concessions	Not applicable for Mineral Oils operations
Item no (3)(b) : Area proposed for Exploration/ Survey	Exploration activities are not associated with Seismic Survey in any areas
Item no (4) : Details of Forestland proposed to be Explored/ Surveyed	Exploration activities are not associated with Seismic Survey in Forestland
Item no (4)(b) : Total period (No. of years) for which the forestland is Proposed to be Explored/ Surveyed	Seismic Survey in a particular forest area last for maximum half of a day and doesn't involve Exploration activities
Item no (7)(a) &(b) and (8)(a) &(b) : Surface Sampling/ Pitting or Trenching	Not Involved with Seismic Survey

FORM-C (Part-I) is Designed for Survey in Search of Minerals and not Suitable for Seismic Survey

Survey for Minerals	Survey for Mineral Oils
Item no (7)(c) , (8)(c) & 9(a) : Drilling of Boreholes	Seismic Survey requires ‘Shot Holes’ and not drilling of Boreholes
Item no (7)(d) & (e) : Construction of Roads or Paths involving Temporary/ Permanent Change in Land Use	Doesn't involve any Temporary /Permanent change in Land Use since no Road or Paths are constructed
Item no (7)(f) & (g): Any other activity involving Temporary & Permanent Change in Land Use	Doesn't involve any Temporary or Permanent change in Land Use associated with Seismic Survey activities
Item no (8) : Area of forest land likely to experience Temporary Change in Land Use	Doesn't involve any Temporary change in Forest Land Use
Item no (8) (d) & (9) (b): Construction of Roads or Paths	Doesn't involve any construction of Road or Paths

FORM-C (Part-I) is Designed for Survey in Search of Minerals and not Suitable for Seismic Survey

Survey for Minerals	Survey for Mineral Oils
Item no (9): Area of forest land likely to experience Permanent Change in Land Use	Doesn't involve any Permanent change in Forest Land Use
Item no (10): Details of Machinery or Equipment to be Deployed for Prospecting	No Machinery or Equipment is deployed for Seismic Survey other than Survey Equipment, since there is no Prospective/ Exploration activities associated with Seismic Survey
Item no (10) (d): Estimated Machine Hours	Not applicable for Seismic Survey as No Machinery is used
Item no (10) (e): Maximum Noise Level	No Noise is generated from Seismic Survey activities
Item no (12) : Number and Duration of Stay in the Forest Land of the Persons proposed to be Deployed for Exploration/ Survey	Seismic Survey in a particular forest area last for maximum half of a day involving 4/5 crews

FORM-C (Part-I) is Designed for Survey in Search of Minerals and not Suitable for Seismic Survey

Item no (13) : Summary of the estimated quantity of Ore and other samples proposed to be collected during the Exploration/ Survey	Scope of Mineral Oil Sample collection is not there
Item no (14) : Estimated accuracy and confidence level for Mineral Reserve Assessment	Mineral Oil Reserve Assessment is done
Item no (15) : Estimated accuracy and confidence level in case number of bore holes proposed to be drilled is reduced by	Seismic Survey requires 80 'Shot Holes' per sq Km
Item no (16) : In case the proposal is for extension permission granted for Prospecting, or for Drilling of additional Boreholes , please provide following additional information	<ul style="list-style-type: none">▪ Prospecting not involved▪ Drilling of Boreholes not involved as Seismic Survey requires Shote Holes
Item no (17) : Details of land identified for Compensatory Afforestation	Since no Diversion of Forest land involved, land for Compensatory Afforestation not required

(11/12) Amendment Required: Regulation 2.2 (iv) (Land for CA) in Chapter 2 (Compensatory Afforestation) **Pronounces as follows mandating Certification from State Govt:**

“In exceptional circumstances, when the Suitable Non-forest Land for raising Compensatory Afforestation is Not Available and a Certificate to this effect is given by the State/UT Government, the compensatory afforestation may be considered on degraded forest land, which is twice in extent to the forest area proposed for diversion in favour of Central Public Sector Undertaking and for captive coal blocks of State Public Sector Undertaking on case to case basis. However, this relaxation will not be available in case the project of Central Government undertaking or State Government undertakings involves acquisition of non-forest land by the respective agencies”.

- Requirement of Certificate from competent authority in State/UT Govt for allotment of Degraded Forest lands no more required - In consequent to publication of Van (Sanrakshan Evam Samvardhan) Amendment Rules, 2024 vide gazette notification G.S.R. 582(E) dtd 20th September, 2024 followed with issuance of guidelines dtd 17.12.2024 by FC Division under provision of section 3C of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980

(12/12) Contradictory FC Regulation and Wildlife Division's guideline on grant of FC and approval from SCNBWL

A Clarification OM required as FC proposals are not processed without SC-NBWL approvals

S.O.5074 (E) (7) in Chapter 4 of Van (Sanrakshan Evam Samvardhan) Amendment Rules, 2024 and Wildlife Division's Guideline dtd 18th March, 2024 **Contradicts each other with respect to grant of FC and approval from SC-NBWL**

S.O.5074 (E) (7) in Chapter 4 of Van (Sanrakshan Evam Samvardhan) Amendment Rules, 2024 Stipulates

FC proposal not to be processed in State/UTs till SC-NBWL approval is obtained

"Proposals, located in the forest lands protected under the provisions of the Wild Life (Protection) Act, 1972 (53 of 1972), Shall be Considered by the Authorities in the State Government or Union Territory Administrations **Only After Obtaining the Approval of the Standing Committee of the National Board for Wildlife** or as per the guidelines issued by the Central Government in this regard"

Para (3) of Wildlife Division's Guideline (F.No.WL-6/14/2023 WL) dtd 18th March, 2024 Stipulates

Without receipt of FC, Wildlife Clearance proposals will not be considered by SC-NBWL

" In this context, the undersigned is directed to inform that **Proposals Requiring Recommendations/Approvals of the SCNBWL and Forest Clearance under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 shall be Placed for Consideration on the SCNBWL, Only After Receipt of Forest Clearance "**

F.No.WL-6/14/2023 WL
Government of India
Ministry of Environment, Forest and Climate Change
(Wildlife Division)

2nd Floor, Vayu Wing,
Indira Paryavaran Bhawan,
Jor Bagh Road, New Delhi 110003.

Date: 18th March, 2024

To,

The Additional Chief Secretary/Principal Secretary/Secretary,
Forest Departments
All States/UTs

Sub: Standing Committee's Decision on Sequential Consideration of Project
Proposals Involving Forest and Wildlife Clearance.

Sir/Madam,

Reference is invited to the subject mentioned above. The 77th Meeting of Standing Committee of National Board for Wild Life (SCNBWL) was held on 30th January, 2024 under the Chairmanship of Hon'ble Minister for Environment, Forest & Climate Change.

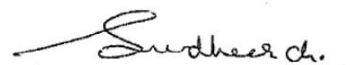
2. The SCNBWL in the 77th meeting decided that the Ministry shall issue policy guidelines for consideration of project proposals by the Standing Committee only after receipt of forest clearance.

3. In this context, the undersigned is directed to inform that proposals requiring recommendations/approvals of the SCNBWL and forest clearance under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 shall be placed for consideration on the SCNBWL, only after receipt of forest clearance.

4. Therefore, the proposals referred in para 3 above should be accompanied with reference regarding receipt of forest clearance under the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980.

This issues with the approval of competent authority.

Yours faithfully,


(Dr. Sudheer Chintalapati)
Scientist 'E'
Email: sudheer.ch@gov.in

Wildlife Division's
Guideline
dtd 18th March, 2024

(3) Two new Regulations Proposed for Incorporation

- i) Regulation 13(5)(d) under Regulation 13 (Creation of Compensatory Afforestation):
 - “Underground Mineral Oils Explorations, Development , Productions & Conservation Activities in forest lands executed with Petroleum Leases without surface rights”
- ii) **Inclusion of Mineral Oils Transportation Pipelines passing through the Protected Areas under Chapter-12** (Diversion Proposals Proposed in and around the Protected Areas):
 - Proposed for inclusion in line with the **Transmission Lines** and **Roads** passing through the Protected Areas have been accommodated respectively **vide Regulations 12.11 and 12.12** in **Chapter 12** with relaxation on Day to Repair/ Maintenance/upgradation activities of the Mineral Oils Pipelines inside the forest areas laid prior to enactment of FCA, 1980

(4) Five regulations suggested for reframing for clear distinction between ‘Survey and Prospecting/Exploration activity in search of Minerals’ and ‘Seismic Survey in search of Mineral Oils’ and also to clarify FC Validities and Transfers for Petroleum Leases in line with the Mining Leases because of following Reasons :

- **“Survey in search of Minerals”** : Prospecting/Exploration activity including Drilling of Bore Holes and Digging of Trenches are associated with ‘Survey in search of Minerals’ for mining projects, which also involves Breaking of Forest Land with Felling of Trees (permitted up to 100 no under the Forest Regulations).
- **‘Seismic Survey in search of Mineral Oils’** : ‘Seismic Survey in search of mineral oils’ doesn’t involve any Prospecting or Exploration or Drilling activities or Digging of Trenches and also doesn’t require any Breaking of Forest Land or Felling of any Trees and operations are limited to Clearing of Bushes and Lopping of Trees Branches.

Five regulations suggested for reframing

- i) **Regulation (3.9) (iv)** (applicability of NPV in respect of special cases) in **Chapter 3** (Net Present Value) on FC Validity co-terminus with the Leases
- ii) **Survey in Chapter-6 (Survey, Investigation, Prospecting and Exploration)** requires following amendments:
 - **Chapter-6 titled** “*Survey, Investigation, Prospecting and Exploration*” **need to be Retitled as** “ *Survey, Investigation, Prospecting and Exploration in search of Minerals and Seismic Survey in search of Mineral Oils*”
 - **Heading content of Chapter-6** need **to be segregated** since Prospecting, Exploration including drilling associated with ‘Survey for minerals’ stipulated in the heading is not applicable for ‘mineral oils Seismic Survey’
- iii) **S.O. 5075 (E)(2) in Para 6.1** (Order specifying the terms and conditions for undertaking surveys in forest areas) **need to be segregated** as ‘survey for Mining purposes’ involves breaking of forest land by way of drilling bore holes and digging the trenches with permissible felling of trees up to 100 no, **which are not applicable** for ‘Seismic Survey for mineral oils’
- iv) **Sub Regulation 6.2 (i) in Para 6.2 in Chapter-6** (Survey, Investigation, Prospecting and Exploration) **need to be segregated**, as Prospecting/Exploration associated with ‘survey for minerals’ is not involved for ‘Seismic Survey associated with mineral oils’
- v) **Terminologies stipulated in 5 cases in Para 6.2 (i) and 6.2(ii) in Chapter-6** needs clarity:
 - **Sub Regulations 6.2 (i) (a), (b), (f) & (g)**: Pronounced ***Seismic /Prospecting/Exploration Surveys***
 - **Sub Regulations 6.2 (ii)**: Pronounced ***Survey, Exploration or Prospecting***

(5) Twenty Terminologies needs to be either Amended/ Revised to accommodate Operations associated with 'Mineral Oils' under the ORDA Act, 2025

- i) “**Mine**” : Pronounced in Regulation 2.2 (viii) of Chapter 2
- ii) “**Mining**” : Pronounced in [Chapter -1 /Chapter- 5 / S.O. 5075 (E) in Chapter- 6 / Regulations & S.O. 5075 (E) and SO 5076 (E) in Chapter 7]
- iii) “**Mining operations**” : Pronounced in[Chapter -1 /Regulations & SO 5076 (E) in Chapter 7]
- iv) “**Mined out**” : Pronounced in [Chapter -2 / Chapter- 5 / Chapter 7]
- v) “**Mining Plan**” : Pronounced in [Chapter -1 /Chapter- 5 /Regulations & SO 5076 (E) in Chapter 7]
- vi) “**Mine Closure Plan**” : Pronounced in S.O. 5076 (E) (5) in Regulation 7.2 in Chapter-7
- vii)“**Mining Leases**” : Pronounced in [Chapter -1 /Regulation 13/ Chapter 3/Chapter- 5 /Regulations & SO 5076 (E) in Chapter 7]
- viii) “**Minerals**” : Pronounced in Regulation (7.1) in Chapter 7

Twenty Terminologies needs to be either Amended/ Revised to accommodate Operations associated with 'Mineral Oils' under the ORDA Act, 2025

- (ix) “**Safety Zone of mining lease or Safety Zone around a mine**” : Chapter -2 / Chapter 7
- (x) “**Pre-mining and Post mining**” : S.O. 5076 (E) (5) in Regulation 7.2 in Chapter- 7
- (xi) “**Coal block/Lease**” :Clarifications in 1.9 (i) in Chapter -1
- (xii) “**Mines and Minerals (Development and Regulation) Act**” : Regulation 5.5 in Chapter- 5
- (xiii) “**Safety Zone Plantation**” : Chapter -3 / Chapter 7
- (xiv) “**Oil Field (Regulation and Development) Act 1954**” : Chapter 7
- (xv) “**Petroleum Mining Leases**” : Sub Regulation 7.9 (iii) under Regulation 7.9 in Chapter-7
- (xvi) “**Oil Well Pad**” : Sub Regulation 7.9 (iii) under Regulation 7.9 in Chapter-7
- xvii) “**Petroleum Exploration Licence or Petroleum Mining Lease**”: Foot note after Sub Regulation 10(2)(v) in Regulation 10

Twenty Terminologies needs to be either Amended/ Revised to accommodate Operations associated with 'Mineral Oils' under the ORDA Act, 2025

xviii) “**Petroleum and Crude oil Pipelines**” :Regulation 4.2 in Chapter 4

xix) **Item no (2) of Table-A in Annex-I** of Van (Sanrakshan Evam Samvardhan)

Amendment Rules, 2024:

- *Proposal for defence installation purposes and **oil prospecting (prospecting only)** “ **to be replaced with** “Proposal for defence installation purposes and **mineral oils prospecting & exploration (prospecting & exploration only)**”*

xx) “**Form D** in the Table furnished under **Regulation 1.4** (Procedure for submission of proposals) **reading** “Application for assignment of forest land on lease” **to be replaced with** “Application for assignment of forest land on lease for Mining Purpose or Mineral Oils Exploration, Development , Production & Conservation purpose

Petroleum & Natural Gas Amendment Rules Related Issues

- i) **To avoid the Terminology of “Bore-hole” defined in** Sub Regulation 3(b) under Regulation 3(Definitions) in Chapter-I (Preliminary) of Draft P&NG Rules, 2025 - As in Van (Sanrakshan Evam Samvardhan) Rules, 2023 (as amended in 2024) “Bore Hole” is exclusively used for “Survey associated with in search of Minerals”
- ii) New Definitions suggested as follows under Regulation (3) (Definition) in Chapter-I (Preliminary) for consistency with Van (Sanrakshan Evam Samvardhan) Rules, 2023 (as amended in 2024) for avoiding confusions:
- **“Mineral Oils”**
 - **“Appraisal/Exploratory Drilling”**
 - **“Minerals”**
 - **“Survey”**
 - **“Seismic Survey”**
 - **“Shote Hole”**

- **“Mining Operations”** defined in **Sub Regulation 3(oo)** under Regulation (3) (Definition) in Chapter-I (Preliminary) as- *“shall have the meaning assigned to them under the Mines and Minerals (Development and Regulation) Act, 1957 as amended from time to time”*- **Need to be corrected** as ‘Mining’ or ‘ Mining Operations’ not defined in MMDR Act, 1957 **as the same is defined in Mines Act, 1952**
- **“Prospect”** defined in **Rules(3)(zz) (Definitions)** under **Chapter-I (Preliminary)** **to be modified** in line with that pronounced in Petroleum Concession Rules, 1949 made under Petroleum Act, 1934
- **“Contract”** , **“Field”** and **“Mining Lease”** defined in Sub Regulation (3)(j), Sub Regulation (3)(v) and Sub Regulation 3(nn) respectively under Regulation (3) (Definition) in Chapter-I (Preliminary) need to be modified suitably

- Section (5)(1) and Section (5)(2) (b) of ORDA Act, 2025 have provisions of **Renewal of Petroleum Lease- Regulation 86 under Chapter XIV** (Applicability of Rules to Existing Licenses and Leases and Transitional Provisions) pronounces that such is applicable only for the PEL & PMLs granted prior to enactment of P&NG Amendment Rules : **Is it only applicable for PEL/PMLs ?**
- Validity of Petroleum Lease “**not less than four years** and a maximum of thirty years’ pronounced in **sub-rule (1) in Regulation (7. 5)** (Application for grant of petroleum lease) and **Regulation (9.2)** (Area and term of the petroleum lease) in **Chapter-III** (Petroleum Lease) - **Need to be modified to not less than Five years for the States with Highest Forest Covers**, viz: Arunachal Pradesh, Assam and others, as getting Stage-I FC takes minimum 4-5 years in NER

“Mineral Oils” defined in Mines and Minerals (Development and Regulation) Act, 1957 to be Amended

- **Regulation (3)(ad) Pronounces:** *“Minerals” includes all Minerals **except Mineral Oils**”*
- **Regulation (3)(b) Pronounces:** *“**Mineral Oils**” includes Natural Gas and Petroleum”*

Under provision of ORDA Act, 2025: Apart from Natural Gas & Petroleum, *“Mineral Oils” also includes* any naturally occurring Hydrocarbon including Crude Oil, Condensate, Coal Bed Methane, Oil Shale, Shale gas & Oil, Tight Gas & Oil, Gas Hydrates, excluding Coal, Lignite and Helium occurring in association with Petroleum or Coal or Shale

Section 30 of the Petroleum and Natural Gas Regulatory Board Act, 2006 has been accommodated the The draft P&NG Amendment Rules, 2025 in regard ‘Appeals to Supreme Court’ against any order passed by the ‘Adjudicating Authority’

Section 37 of the PNGRB Act (Appeal to Supreme Court) Stipulates —

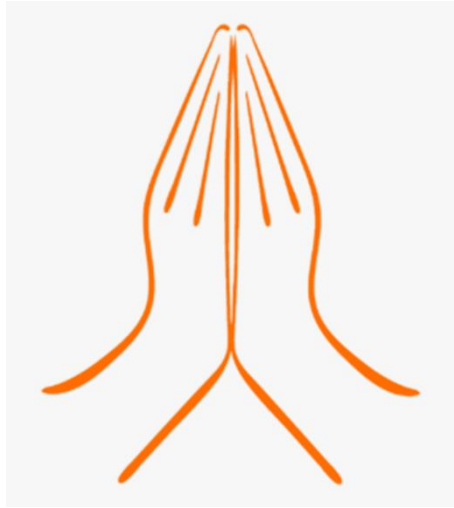
*“(1) Notwithstanding anything contained in the Code of Civil Procedure, 1908 (5 of 1908) or in any other law, **an Appeal shall lie against any Order**, not being an interlocutory order, of the Appellate Tribunal to the Supreme Court on one or more of the grounds specified in section 100 of that Code”.*

*“(2) No appeal shall lie against any **decision or order made by the Appellate Tribunal** with the consent of the parties”.*

(3) “Every Appeal under this section shall be preferred within a period of 90 days from the date of the Decision or Order appealed against”

*“Provided that the **Supreme Court may entertain the Appeal after the Expiry of the said Period of 90 days**, if it is satisfied that the appellant was prevented by sufficient cause from preferring the appeal in time”*

- Seismic Survey involving storage of Dynamite must adequately cover in the P&NG Rules **elaborating timeline** for transporting Dynamite to work site
- Field Verifications Monitoring Mechanism may be accommodated in P&NG Rules to facilitate taking appropriate decision based on ground realities, which presently not followed

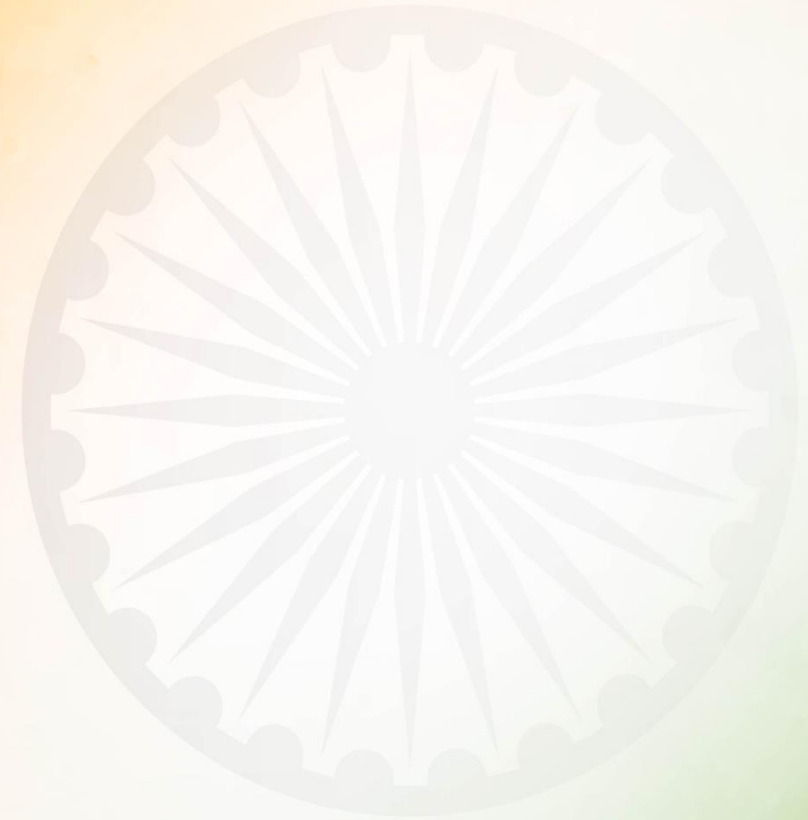


Thank You.

For any Clarification may please contact:

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Minerals Administrated under the First Schedule of MMDR Act, 1957

Part-A

Hydrocarbons/Energy Minerals : Coal and Lignite

Part-B

Atomic Minerals

- 1) Beryl and other Beryllium-bearing minerals
- 2) Lithium-bearing minerals
- 3) Minerals of the “Rare Earths” group containing Uranium and Thorium.
- 4) Niobium-bearing minerals
- 5) Phosphorites and other Phosphatic Ores containing Uranium.
- 6) Pitchblende and other Uranium ores.
- 7) Titanium bearing minerals and ores (Ilmenite, Rutile and Leucoxene)
- 8) Tantalum-bearing minerals
- 9) Uraniferous Allanite, Monazite and other Thorium minerals.
- 10) Uranium bearing tailings left over from ores after extraction of Copper and Gold, Ilmenite and other Titanium ores.
- 11) Zirconium-bearing minerals and ores including Zircon

Part-C

Metallic and Non-metallic Minerals

- 1) Asbestos
- 2) Bauxite
- 3) Chrome ore
- 4) Copper ore
- 5) Gold
- 6) Iron ore
- 7) Lead
- 8) Omitted**
- 9) Manganese ore.
- 10) Precious stones
- 11) Zinc