

**F. No. 11-584/2014-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: 31<sup>st</sup> March, 2015

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

**Sub:** Diversion of forest land for non-forest purpose under the Forest (Conservation) Act, 1980- Amendment of guidelines regarding prior approval of Central Government under the Forest (Conservation) Act, 1980 for transfer of lease involving forest land.

Sir,

I am directed to say that para 2.8 of the guidelines issued under the Forest (Conservation) Act, 1980 (FC Act) which *inter-alia* provides as below:

*"Where transfer of lease on forestland, from one user agency to another for the same purpose for which the forestland was diverted, becomes necessary, prior permission of the Central Government would be required. For this purpose, the State Government and the original user agency is required to submit no-objection certificate for such transfer and; the new user agency has to submit an undertaking that they shall abide by all the conditions on which the forest land was leased to the original user agency and any other condition which may be stipulated by the Central Government/State Government in future."*

2. It has been brought to notice of this Ministry that allocation of some of the coal blocks/ leases where prior approval of Central Government under the Forest (Conservation) Act, 1980 for diversion of part or whole of the forest land located therein has already been accorded, has been cancelled by the Hon'ble Supreme Court. These coal blocks are being allocated to new user agencies after following the procedure stipulated in the concerned statutes.

3. After careful examination of the matter in this Ministry it has been observed that obtaining of the no-objection certificate from the original user agency for transfer of lease from the original user agency/ lessee to the new user agency/ lessee, in such cases will not serve any purpose.

4. Accordingly, I am directed to say that this Ministry after careful examination of the matter has decided to insert, as below, after afore-mentioned sub-paragraphs in para 2.8 of guidelines issued under the Forest (Conservation) Act, 1980:

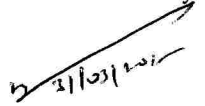
*"Provided that in case of 204 coal blocks whose allocation has been cancelled by the Hon'ble Supreme Court, no-objection certificate from the original user agency for such transfer is not required to be obtained. In such cases, Ministry of Coal is required to submit*

*2/ 31/03/2015*

*details of the new user agency along with an undertaking from the new user agency that they shall abide by all the conditions on which the forest land was leased to the original user agency and any other condition which may be stipulated by the Central Government/State Government in future.*

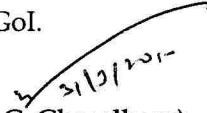
*Provided further that in case of these 204 coal blocks, reimbursement of amount paid by the original user agency in compliance of conditions stipulated in approval accorded under the Forest (Conservation) Act, 1980 for use of forest land for non-forest purpose will be dealt with in the manner, as provided in the Coal Mines (Special Provisions) Second Ordinance, 2014 and the rules framed thereunder.*

Yours faithfully,

  
(H.C. Chaudhary)  
Director

**Copy to:-**

1. Prime Minister's Office (*Kind attn.:* Shri Santosh D. Vaidya, Director).
2. Secretary, Ministry of Coal, Government of India.
3. Secretary, Ministry of Power, Government of India.
4. Secretary, Ministry of Steel, 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, Forests and Climate Change (MoEFCC), GoI.
8. Joint Secretary in-charge, Impact Assessment Division, MoEFCC, GoI.
9. All Assistant Inspector General of Forests/ Directors in the Forest Conservation Division, MoEFCC, GoI.
10. Director Regional Office Headquarters Division, MoEFCC, GoI.
11. Sr. Director (Technical), NIC, MoEFCC with a request to place a copy of the letter on website of this Ministry.
12. Sr. PPS to the Secretary, Environment and Forests.
13. Sr. PPS to the Director General of Forests & Special Secretary, MoEFCC, GoI.
14. Sr. PPS to the Addl. Director General of Forests (Forest Conservation), MoEFCC, GoI.
15. PS to the Inspector General of Forests (Forest Conservation), MoEFCC, GoI.
16. Guard File.

  
(H.C. Chaudhary)  
Director