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F. No. 11- 73/ 2014-FC
Government of India
Ministry of Environment, Forests and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan,
Jorbagh Road,
New Delhi - 110 001
Dated: 2nd September, 2014

To

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

Sub: Guidelines for diversion of forest land for non-forest purpose under the Forest (Conservation) Act, 1980- Clarification on creation of compensatory afforestation in lieu of forest land located in safety zone of mining lease- reg.

Sir,

I am directed to refer to this Ministry's letter F. No. 8-25/2010-FC dated 12th July 2012 wherein this Ministry informed that paragraph 4.7 (i) of guidelines issued under the Forest (Conservation) Act, 1980 should read as below:

"Approval under the Act for diversion of entire forest land located within the mining lease, including the forest land located in safety zone, should be obtained before execution of mining lease in favour of the user agency. However, forest area required for safety zone should be indicated separately in the proposal. Such area will have to be fenced at the cost of the project authority. Further, project authority will have to deposit funds with the Forest Department for the protection and regeneration of such safety zone area and also will have to bear the cost of afforestation over one and a half times of the safety zone area in degraded forest elsewhere."

This Ministry has received representation wherein it has been stated that this is being interpreted in some quarters that since the area of forest land located within the safety zone is required to be diverted, non-forest land along with funds for creation and maintenance of Compensatory Afforestation in lieu of forest land located within safety zone is also required to be provided.

After examination of the matter, it is clarified that area located in safety zone of a mining lease is not allowed to be utilised for mining and allied activities. The same needs to be restocked, reforested and protected from the funds to be provided by the user agency. Apart from restocking and afforestation of area located within the safety zone, as per the existing guidelines user agency is required to provide funds for afforestation over one and half times of the safety zone area in degraded forests elsewhere. It will therefore, be not appropriate to ask the user agency to provide non-forest land along with funds for creation and maintenance of Compensatory Afforestation in lieu of diversion of forest land located in safety zone of the mining lease.

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Accordingly, I am directed to clarify that in lieu of diversion of forest land located in safety zone of a mining lease, apart from funds for protection and regeneration of such safety zone area and afforestation over one and half times of the safety zone area in degraded forests elsewhere, no other funds or land for creation of compensatory afforestation in lieu of forest land located in safety zone of the mining lease is required to be provided by the user agency.

This issue with the approval of the competent authority.

Yours faithfully,

(H.C. Chaudhary)
Director

Copy to:-

1. Prime Minister's Office (*Kind attn.:* Shri Santosh D. Vaidya, Director).
2. Secretary, Ministry of Mines, Government of India; New Delhi.
3. Secretary, Ministry of Coal, Government of India, New Delhi.
4. The Secretary (Coordination), Cabinet Secretariat, Rashtrapati Bhawan, New Delhi.
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), Government of India (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 Offices Headquarters Division, MoEFCC, GoI.
11. Sr. Director (Technical), NIC, MoEFCC, GoI with a request to place a copy of this letter on website of this Ministry.
12. Sr. PPS to the Secretary, Ministry of Environment, Forests and Climate Change, GoI.
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