

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: 9th June, 2015

To
The Principal Secretary (Forests),
All States / Union territories

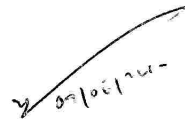
Sub: Diversion of forest land for non-forest purpose under the Forest (Conservation) Act, 1980- processing of proposals in respect of Coal Blocks whose allocation has been cancelled by the Supreme Court.

Sir,

I am directed to say that the Supreme Court in their Judgment dated 25th August 2014 in the Writ Petition (Civil) No. 120 of 2012 in the matter of Mohan Lal Sharma *versus* Union of India and others and such other similar petitions held that the allocations of 218 coal blocks made, both under the Screening Committee route and the Government dispensation route, are arbitrary and illegal. The Supreme Court in their order dated 24th September 2014 cancelled allocation of 204 Coal Blocks.

2. To facilitate re-allocation of these Blocks Parliaments has enacted the Coal Mines (Special Provisions) Act, 2015. Appropriate actions, in accordance with the provisions of the aforementioned Act and the Rules framed thereunder are being taken by the Central Government for allocation of these Blocks. In case of the coal blocks where in-principle or final approval under the Forest (Conservation) Act, 1980 for diversion of forest land falling in such blocks has already been accorded, this Ministry vide letter of even number dated 31st March 2015 issued guidelines to facilitate transfer of such approvals in favour of the allocattee selected or to be selected by the Central Government in accordance with the provisions of the Coal Mines (Special Provisions) Act, 2015 and the Rules framed thereunder.

3. It has however, been observed that proposals seeking in-principle approval under the Forest (Conservation) Act, 1980 for diversion of forest land located in some of these 204 coal blocks were under examination in the Central Government and the State Government on the day the allocations of these blocks were cancelled by the Supreme Court. Submission of de-novo proposals to seek prior approval of Central Government under the Forest (Conservation) Act, 1980 for diversion of forest land located in such coal blocks by the new allocattee selected or to be selected by the Central Government in accordance with the provisions of the Coal Mines (Special Provisions) Act, 2015 and Rules framed thereunder, and processing of such new proposals once again by various authorities in the States/ UTs and the Central Government will not serve any useful purpose.

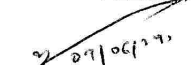

2015/06/09

4. Accordingly, after careful examination of the matter, I am directed to say that the proposals seeking in-principle approval under the Forest (Conservation) Act, 1980 for diversion of forest land located in any of the 204 coal blocks whose allocation has been cancelled by the Supreme Court submitted by the original allottee, which were at processing/examination stage in the State Government or the Central Government on the day allocations of these blocks were cancelled by the Supreme Court, shall be processed as if they have been submitted by the respective new allottees selected or to be elected by the Central Government in accordance with the provisions of the Coal Mines (Special Provisions) Act, 2015 and Rules framed thereunder, once the following procedural formalities are completed:

- (i) Duly filled in part-I of the application in the format prescribed in Form-A appended to the Forest (Conservation) Rules, 2003 along with all necessary undertakings/certificates, including documentary proof in support of allocation of such block in favour of the new allottee and details of non-forest/revenue forest land identified for creation of compensatory afforestation, wherever required, is submitted by the new allottee to the Nodal Officer concerned;
- (ii) Non-forest/revenue forest land identified by the new allottee for creation of compensatory afforestation, wherever required, is inspected and found to be suitable for creation of compensatory afforestation and from management point of view by the Divisional Forest Officer(s) having jurisdiction over such land; and
- (iii) A copy of part-I of Form-A along with all necessary undertakings/certificates submitted by the new allottee along with a certificate from the Divisional Forest Officer(s) having jurisdiction over the non-forest/revenue land identified for creation of compensatory afforestation, wherever required, stating therein that such land is suitable for creation of compensatory afforestation and from management point of view, is provided by the Nodal Officer or the State Government concerned to the authority with whom the proposal submitted by the original allottee is presently pending. Such documents will substitute and replace the corresponding documents available in the proposal submitted by the original allottee.

This issues with approval of the Hon'ble Minister of State (Independent Charge) for Environment, Forest and Climate Change.

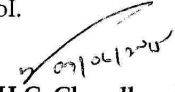
Yours faithfully,


(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 Steel, Government of India.

4. Principal Chief Conservator of Forests, all State/UT Governments.
5. Nodal Officer, the Forest (Conservation) Act, 1980, all State/UT Governments.
6. All Regional Offices, Ministry of Environment, Forests and Climate Change (MoEFCC), GoI.
7. Joint Secretary in-charge, Impact Assessment Division, MoEFCC, GoI.
8. All Assistant Inspector General of Forests/ Directors in the Forest Conservation Division, MoEFCC, GoI.
9. Director Regional Office Headquarters Division, MoEFCC, GoI.
10. Sr. Director (Technical), NIC, MoEFCC with a request to place a copy of the letter on website of this Ministry.
11. Sr. PPS to the Secretary, Environment and Forests.
12. Sr. PPS to the Director General of Forests & Special Secretary, MoEFCC, GoI.
13. Sr. PPS to the Addl. Director General of Forests (Forest Conservation), MoEFCC, GoI.
14. PS to the Inspector General of Forests (Forest Conservation), MoEFCC, GoI.
15. Guard File.


(H.C. Chaudhary)
Director