

F. No. 8-66/2009-FC-pt
Government of India
Ministry of Environment and Forests
(FC Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 110 510.
-Dated: 30th September, 2011

To

The Principal Secretary (Forests),
All States / Union Territory Governments except Jammu and Kashmir

Sub: Guidelines for re-diversion of forest land under the Forest (Conservation) Act, 1980.

Sir,

I am directed to say that this Ministry received proposals for re-diversion of a part or whole of the forest land that has already been diverted under the Forest (Conservation) Act, 1980. To facilitate decisions on such proposals, this Ministry, on the basis of the recommendations made by the Forest Advisory Committee constituted under section-3 of the afore-mentioned Act, hereby issues following guidelines:

- (i) "Re-diversion" may be defined as diversion of a part of already diverted forest land for using for another non-forest use by some other user agency while continuing the use of whole of the diverted land by the primary user agency in whose favour the land has already been diverted earlier.
- (ii) The procedure in respect of re-diversion (second and unrelated use) of forest land shall be as below:
 - (a) Re-diversion of forest land to another user agency of already diverted forest land, shall normally be considered if the proposed new use/activity (both for public utility or otherwise) is compatible with and does not hinder its use for which the forest land already stands diverted. However, with prior written consent of the primary user agency, permission for re-diversion may be accorded for the activities which are not fully compatible with the activity for which the forest land has already been diverted. No amount shall however, be levied by the primary user agency for grant of such consent. Declaration that no amount has been levied by him to accord the consent shall be integral part of his consent.
 - (b) In case the primary user agency feels that re-diversion of forest land although not incompatible but may hinder compliance of any of the conditions stipulated while

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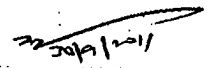
according approval for its diversion in its favour, details of such conditions along with desired amendment may be indicated in its consent letter.

- (c) All proposals seeking re-diversion shall be accompanied with a written consent (along with a declaration that no amount has been levied while giving the consent) of the primary user agency. However, in case the applicant user agency seeking re-diversion is of the view that though the proposed use/activity by him is fully compatible with and does not hinder in any manner execution of the activity for which the forest land has already been diverted in favour of the primary user agency, but the primary user agency has refused to accord his consent, it may request the Nodal Officer, giving him the full details of the activities for which the forest land has been diverted in favour of the primary user agency and the activities proposed to be undertaken by it, to accept the proposal without prior consent of the primary user agency. On receipt of any such request if the Nodal Officer may after hearing the primary user agency (after giving him advance notice) is satisfied that the such activities are compatible, he may accept the proposal for re-diversion even without the consent of the original user agency. In such cases in-lieu of the consent from the original user agency, a note from the Nodal officer giving full details of the basis on which such decision has been taken by him shall be enclosed with the proposal.
- (d) In case Central Government is satisfied that re-diversion of the forest land may hinder compliance of any of the conditions stipulated for diversion of forest land in favour of the original user agency, the Central government while according approval for re-diversion may appropriately amend such conditions. Any additional condition to be fulfilled by the original user agency to facilitate the new user agency to use the forest land re-diverted in its favour shall also be stipulated by the Central Government on case-to case-basis while according its approval for re-diversion.
- (e) Conditions to be fulfilled by the secondary user agency (including its rights and responsibilities) shall be stipulated by the Central Government on a case-to-case basis while according approval for re-diversion.
- (f) Full amount of NPV for the re-diverted land, at the rate applicable on the date of re-diversion, shall be realised from the second user agency by the State/UT Government concerned.

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- (g) Cost to raise compensatory afforestation shall however be recovered from the secondary user agency if the same in respect of the forest land proposed for re-diversion has not already been recovered from the primary user agency;
- (h) Boundary of the re-diverted forest land shall be clearly demarcated on the ground by the secondary user agency;
- (i) To prevent any speculative trade in forest land, no amount in the name of lease rent, annual fee/rent or any other such name shall be levied by the primary user agency from the secondary user agency in whose favour the forest land is re-diverted. However, in case the activity to be undertaken by the secondary user agency results in damage to the structure/property of the primary user agency, the same shall be restored by the secondary user agency to the full satisfaction of the primary user agency.

Yours faithfully,


(H.C. Chaudhary)

Assistant Inspector General of Forests

Copy to:-

1. Principal Chief Conservator of Forests, all State/UT Governments except Jammu and Kashmir.
2. Nodal Officer, the Forest (Conservation) Act, 1980, all State/UT Governments except Jammu and Kashmir
3. All Regional Offices, Ministry of Environment & Forests.
4. All Assistant Inspector General of Forests in Forest Conservation Division, MoEF.
5. Dy. Secretary, R.O. (HQ), Ministry of Environment & Forests, New Delhi.
6. Guard File.


(H.C. Chaudhary)

Assistant Inspector General of Forests