

F. No. 2-1/2003-FC (Pt-II)
Government of India
Ministry of Environment and Forests
F.C. Division

Paryavaran Bhawan, CGO Complex,
Lodhi Road, New Delhi - 110 003.

Dated: 14-12-2004

To
The Principal Secretary (Forests),
(All States/UTs).

Sub: Guidelines for diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 - **Revision of the para 4.17 of the guidelines regarding grant of temporary working permission over already broken up area in case of renewal of mining leases, issued under Forest (Conservation) Act, 1980, thereof.**

Sir,

During the course of implementation of para 4.17 of the guidelines regarding grant of temporary working permission over already broken up area in case of renewal of mining leases, issued under Forest (Conservation) Act, 1980, the Central Government has experienced the lack of communication of vital information between the State Government and the Central Government. Further, Supreme Court has also issued various important orders from time to time regarding mining in forests, national parks/sanctuary, charging of net present value etc. which have additional implications, and so need to be taken note of. Therefore, Central Government found it appropriate to revisit para 4.17 of the existing guidelines. The matter was examined by the Central Government in a holistic manner. After detailed examination of the matter, and to make the mechanism more effective and accountable, the Central Government hereby issues revised para 4.17 of the guidelines regarding grant of temporary working permission over already broken up area in case of renewal of mining leases, under Forest (Conservation) Act, 1980. **New para 4.17 will read as follows:**

4.17 (i) If an application for renewal of mining lease, complete in all respects, has been submitted by the user agency to the State/UT Government one year before the expiry of the existing lease period, but the State Government has not been able to process and forward the proposal for approval of the Central Government, till the date of the expiry of existing lease period; in such cases, the Central Government on a simple application of the user agency **in the prescribed format (Annexure)**, may grant temporary working permission (TWP) over already broken up area for a **maximum period of one year**, provided that the mining lease area does not form a part of a National Park/Sanctuary/Protected area and no violation of Forest (Conservation) Act, 1980 has been committed by the User Agency during the previous mining lease. Within this period, the State/UT Government shall take a decision on the proposal and forward it to the Central Government. If the proposal is not received from the State/UT Government on expiry of the period of TWP, it will be deemed to have been **rejected** till the State/UT Government sends its specific recommendations.

4.17 (ii) In view of the Supreme Court order dated:30-10-2002 in Writ Petition (C) No. 202 of 1995 regarding collection of Net Present Value of diverted forest land, Net

Present Value shall be paid by the user agency for the already broken up area within the period of first six months of the temporary working permission. Subsequent extension of TWP, if any, shall be considered only on the production of receipt of payment of Net Present Value to the State/UT Government. This fund shall be maintained by the respective State / UT Governments in the name of concerned DFO/Nodal Officer in fixed deposits in a nationalized bank. In the event of rejection of the proposal, the amount shall be refunded to the concerned user agency after deducting the cost of reclamation of that particular broken up area, as determined by the concerned State / UT Governments.

4.17 (iii) To ensure the refund of the money deposited towards the Net Present Value of the area being operated under TWP by the user agency, following procedure shall be adopted:

- (a) The funds shall be collected by the concerned DFO as security deposits.
- (b) Funds shall be maintained by the concerned Divisional Forest Officer (DFO) or Nodal Officer (Forest Conservation), in fixed deposits in a Nationalized Bank in the name of the Divisional Forest Officer or Nodal Officer (Forest Conservation).
- (c) Concerned DFO shall maintain records of such security deposits collected towards Net Present Value for the area under TWP, under intimation to Nodal Officer (Forest Conservation) of the State/UT.
- (d) In the event of rejection of the proposal, the concerned DFO shall assess the cost of reclamation of broken up area.
- (e) After deducting the cost of reclamation of the broken up area and allied costs if any, from the total deposits including interest earned on them, balance money will be refunded to the concerned user agency within a period of one month by the concerned DFO/Nodal Officer (Forest Conservation) of the State/UT.

These guidelines are issued in supersession of this Ministry's earlier guidelines regarding para 4.17, issued vide letter no.5-5/86-FC dated:23-12-2002 and printed in the Handbook published by this Ministry in June, 2004. These guidelines shall come into force with immediate effect.

Yours faithfully,



(ANURAG BAJPAI)

Assistant Inspector General of Forests

Copy to:

1. Secretary, Ministry of Coal, Govt. of India, New Delhi.
2. Secretary, Ministry of Mines, Govt. of India, New Delhi.
3. All PCCFs/Nodal Officers (All States/UTs).
4. All Regional Offices, Ministry of Environment and Forests.
5. Director(FC) / AIGs(FC).
6. File No. 2-1/2003-FC
7. Guard file.

FORMAT**Application For Temporary Working Permission (TWP) in Cases of Renewal of Mining Leases**

(See para 4.17 of the Guidelines issued under Forest (Conservation) Act, 1980 vide Ministry of Environment and Forests' letter no.2-1/2003-FC (Pt-II) dated:14-12-2004)

Sl. No.	Particulars	To be filled User Agency
1.	Name of Proposal	
2.	Date of submission of renewal proposal to the concerned Divisional Forest Officer (enclose copy of relevant documents)	
3.	Date of previous lease (Enclose copy)	
4.	Period of previous lease	
5.	Previous lease granted by (enclose order copy)	State Government/Central Government
6.	If previous lease granted by Central Government under Forest (Conservation) Act, 1980, order number and date	
7.	Total Forest area under lease in hectare	
8.	Area in hectare applied for renewal	
9.	Already Broken up area in hectare	
10.	Map (Cadastral Map) of total leased area/forest land showing broken up area in different shades with boundary descriptions	
11.	Name of mineral/ore to be extracted	
12.	Estimated reserve in broken up forest area in Million tonne	
13.	Whether mining lease forms part of a National Park / Sanctuary/ Protected Area/ Biosphere reserve	
14.	Distance of nearest protected area from the mining lease	
15.	Whether Reclamation Plan enclosed in the DRP	Yes/No
16.	Extent of Area proposed for reclamation	
17.	Period proposed for reclamation operation	
18.	Any violation of Forest (Conservation) Act, 1980 during previous lease and Court case	
19.	Status of proposal-whether under consideration; if yes, pending at what level	
20.	Dues to Government Departments and description of payments	
21.	If any court case is pending on any issue related with lease/land (If Yes, details thereof)	
22.	Achievements made under reclamation / rehabilitation / afforestation / dump stabilization etc.	

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