

4.17. Renewal of Mining Lease - Temporary Working Permission

If an application for renewal of mining lease, complete in all respects, has been submitted by the user agency, to the State Government one year before the expiry of the existing lease period, but the State Government has not been able to process and forward the proposals for approval of the Central Government, till the date of the expiry of existing lease period; in such cases, the Central Government on an application from the user agency, may grant the user agency, temporary working permission in the already broken up area till a final decision is taken on the proposal.

4.18. In respect of proposals related to renewal of mining leases, the Central Government would grant one year working permission along with in-principle approval, for already broken up areas so as to enable the State Government to comply with the conditions. This period can be extended by one more year subject to submission of reasonable progress report from the State Government as regards to the steps taken to comply with the stipulated conditions. ✓

F.No. 2-1/2003-FC (Pt.III)

Dated 5th September 2005

Sub: Plantation of Jatropha on Forest land: clarification under the Forest (Conservation) Act, 1980-Regarding.

Sir

In continuation of this Ministry's letter of even number dated 08th June 2005, I am directed to issue further clarification on the subject mentioned above as follows-

"Plantation of oil-bearing plants on forest land is non- forestry activity to be regulated under the provisions of the Forest (Conservation) Act, 1980. However, if the oil- bearing plant is indigenous to the area in question and its plantation is part of the overall afforestation programme for the forest area concerned, prior approval of the Central Government under the Act is not required".

Annexure 1(f)

Yours faithfully

Sd/- (Sandeep Kumar)

Assistant Inspector General of Forests

F.No.8-66/2009-FC-pt

Dated: 30th September, 2011

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

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 un-related 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 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 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 realized from the second user agency by the State/UT Government concerned.
- 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.
- f) 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,
Sd/- (H.C. Chaudhary)
Assistant Inspector General of Forests

F. No. 5-3/2007-FC

Dated: 10th January, 2011

Sub: Diversion of forest land for non-forestry purposes under Forest (Conservation) Act, 1980 – Guidelines for construction of school buildings for the benefit of the people – reg.

Sir,

The Ministry of Environment & Forests at New Delhi and its Regional offices are receiving large number of proposals from different States/UTs, including the newly constituted States like Uttarakhand, seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 for diversion of forest land for building construction for the purpose of schools, hospitals and any other buildings, which are for the benefit of the people. The proposals also include offices and other residential buildings **for the newly created district/ sub-division / block level offices.**

The matter has been examined by the Forest Advisory Committee (FAC) constituted by the Central Government under Section-3 of the Forest (Conservation) Act, 1980, wherein it has been noted that the Kendriya Vidyalaya Sangathan, an organization under the Ministry of Human Resource Development, has laid guidelines for minimum and desirable requirements of areas for opening of Kendriya Vidyalayas (Central School) at various locations including hilly areas.