

Copy of letter No. 5-5/86-FC dated 16.10.2002 from Shri R. K. Gupta, Asstt. Inspector General of Forests, Ministry of Environment and Forests, F.C. Division, Government of India, Paryavaran Bhawan, CGO complex, Lodhi Road, New Delhi-110003 to the Secretary (Forests) All States & PCCF (All States) etc. Office of the Principal Chief Conservator of Forests, Rajasthan, Jaipur endorsement No. F.16(Circular) 2000-FP/PCCF/10867-10996 dated 18 November, 2002

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

Sir,

Detailed guidelines for submission of proposals for diversion of forest land for non-forestry purposes under the Forest (Conservation) Act, 1980 were finalised and circulated to all the State Government/ Union Territories on 25.10.1992. A constant review of these guidelines has been done from time to time and certain amendments are issued.

The Ministry vide its letter of even No. dated 25.11.1994 had added Para 4.17 to the guidelines regarding renewal of mining lease-temporary working permission. As per the guideline, temporary working permission upto a maximum period of one year can be granted by the Central Government, even without formal approval for the renewal, provided the user agency has submitted the renewal proposal, complete in all respects to the State Government, at least one year prior to the expiry of the existing lease period and the State Government, after due processing of the proposal, has sent the same to the Central Government prior to the expiry of the existing lease period.

A review of this guideline indicates that many a times proposals remain pending at the level of the State Government even beyond one year after the submission of the complete proposal by the user agency. This defeats the very purpose of the guideline, because in these cases the user agencies, as per the existing guidelines, are not eligible for temporary working permission. Therefore, to mitigate the problem being faced by user agencies, the Central Government hereby supercedes the existing guideline para 4.17, which may now be read as follows:-

“4.17 If an application for renewal of mining lease, complete in all respects, has been submitted by 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 proposal for approval of the Central Government, till the date of the expiry of existing lease period, the Central Government, if so recommended by the State Government, may grant the user agency, temporary working permission in the already broken up area till a final decision is taken on the proposal.

Note :- This would also be applicable in those cases where the State Government has already forwarded the proposal for approval of the Central Government before the date of the expiry of existing lease period.”