

F.No.8-84/2002-FC
Government of India
Ministry of Environment & Forests
(F.C. Division)

Paryavaran Bhawan, C.G.O. Complex,
Lodi Road, New Delhi-110003.
New Delhi, the 6th April 2005

To
The Chief Conservator of Forests (Central)
Regional Office, Bangalore

Sub: Guidelines dated 14.05.2004 issued under Forest (Conservation) Act, 1980 for diversion of forest lands for establishment of wind energy projects - Clarification on para 3(v) of the guidelines thereof.

Sir,

Please refer to your letter No. F(C)A/11.3/153/KAR/Misc/2332 dated 04.02.2005 on the above mentioned subject. In this context, I am directed to clarify that the word ".....transferred....." in para 3(v) of the guidelines for wind energy projects dated 14.05.2004, shall be read in context of, and in accordance with "Transfer of lease" as mentioned in para 2.8 of general guidelines issued under Forest (Conservation) Act, 1980, i.e.,

"Where transfer of lease on forest land, from one user agency to another for the same purpose for which the forest land was diverted, becomes necessary, prior permission of the Central Government would be required. For this purpose, the State Government and the original user agency is required to submit no-objection certificate for such transfer and; the new user agency has to submit an undertaking that they shall abide by all the conditions on which the forest land was leased to the original user agency and any other condition which may be stipulated by the Central Government / State Government in future."

Further, for transfer of lease to the new user agency(s), i.e., investors/power producers interested in installation of wind energy turbines in the already diverted forest area in favour of developers, the State / UT Governments shall have to submit the formal proposal in the prescribed format under the rules, to the Central Government for prior approval. No sub-leasing of forest lands by any user agency is permissible under the Act.

Yours faithfully,


06/04/2005
(ANURAG BAJPAI)

Assistant Inspector General of Forests

Copy to:

1. The Principal Secretary, Government of Karnataka, Bangalore.
2. The Principal Chief Conservator of Forests, all States/UTs.
3. Nodal Officers, all States/UTs
4. Regional Office, Bhopal, Lucknow, Bhubaneswar, Chandigarh and Shillong.
5. Director (FC) / AIGs (FC).
6. Guard file.