

F. No. 11-9/1998-FC
Government of India
Ministry of Environment and Forests
(FC Division)

Paryavaran Bhawan, CGO Complex,
Lodhi Road, New Delhi - 110 510
Dated: 3rd May, 2010

To
The Principal Secretary / Secretary (Forests),
All State / UT Governments.

Sub: Diversion of forest land for non-forestry purposes under Forest (Conservation) Act, 1980 - Guidelines for 'Transfer of Lease' from one user agency to another user agency - regarding.

Sir,

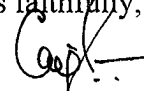
The Ministry of Environment and Forests, Government of India has been receiving representations from various project proponents / individuals through different State / UT Governments seeking directions / guidelines of the Central Government on transfer of leases, particularly mining leases, with respect to area limit, cases of death or inheritance of individual incumbent, liquidation of companies, etc. The questions have been raised about imposition of transaction / transfer fee for such transfers of leases.

In this connection, it is submitted that similar matter was taken up in the Forest Advisory Committee (FAC) on 17.09.2009 and the FAC recommended that transfer of leases, being an administrative issue need not be brought before the FAC, and the Administrative Ministry may take a decision in this regard. Accordingly, the matter was analyzed in the Ministry and it was noted that any diversion of forest land is for a specific purpose for a specific applicant /user, however, transfer can be considered for the same purpose and under the same conditions.

In view of the above, I am directed to convey the approval of the Central Government to levy 10 % Net Present Value (NPV) or Rs.1,00,000/- whichever is less, as transfer fee to discourage middle man from processing proposals and then selling it to others under the provisions of the Forest (Conservation) Act, 1980. This, however, is not applicable in case of Wind Power Generation, which involves large number of transferees.

This is issued with the approval of competent authority.


Yours faithfully,


(C.D. Singh)

Sr. Assistant Inspector General of Forests

Copy to:-

- i. The Principal Chief Conservator of Forests, All States / UTs.
- ii. The Chief Wildlife Wardens, All States / UTs.
- iii. The Nodal Officer (FCA), O/o the PCCFs, All States / UTs.
- iv. All Regional Offices of MoEF located at Bhopal, Shillong, Bangalore, Bhubaneswar, Lucknow and Chandigarh.
- v. The RO (HQ), MoEF, New Delhi.
- vi. Monitoring Cell, FC Division, MoEF, New Delhi.
- vii. Guard File.


(C.D. Singh)

Sr. Assistant Inspector General of Forests