

D.No.597/1995/SC/PILC SUPREME COURT OF INDIA, NEW DELHI Dated 15<sup>th</sup> May, 2008 from Assistant Registrar (PIL\_CELL)

IN THE MATTER OF :- INTERLOCUTORY APPLICATION NOS. 826 in 566 with 955 IN 566, 985, 1001-1001A, 1013-1014, 1016-1018, 1019, 1046, 1047, 1135-1136, 1164, 1180-1181, 1182-1183, 1196, 1208-1209, 1222-1223, 1224-1225, 1229, 1233, in 1135-1136, 1248-1249, 1253, 1301-1302, 1303-1304, 1312, 1313, 1314, 1318, 1319 in 1137, 1325, 1364, 1365, 1366, 1370-1370A, 1371, 1384, 1385-1386, 1387 with 1434, 1435-1437, 1438, 1441 with 1634, 1475-1476, 1513, 1573, 1639 in 1135-1136 IN I.A. 566, 1664, 1665, 1671, 1676, 1707, 1721, 1779 IN 1164 IN 566, 1785-1786 in 1441, 1980-1981, 1993, 2013, 2074-2076, 2077-2076 in 1441 & 2098 IN 1233 IN 1135-1136, 2145-2146, 2147-2148, 2149-2150 & 2153-2154 IN 566

IN

WRIT PETITION (CIVIL) NO. 202 OF 1995

(Under Article 32 of the Constitution of India)

T.N. Godavarman Thirumulpad

..... Petitioner

Versus

Union of India & Ors.

..... Respondents

Sir / Madam,

I am directed to forward herewith for your information and necessary action a certified copy of the Signed Order dated 28.03.2008 passed by Hon'ble Court in Interlocutory Applications in Writ Petition above-mentioned.

Please acknowledge receipt

Yours faithfully,  
Signature/  
Assistant Registrar

IN THE SUPREME COURT OF INDIA CIVIL ORIGINAL JURISDICTION 184035

I A Nos. 826 in 566 with 955 IN 566, 985, 1001-1001A, 1013-1014, 1016-1018, 1019, 1046, 1047, 1135-1136, 1164, 1180-1181, 1182-1183, 1196, 1208-1209, 1222-1223, 1224-1225, 1229, 1233, in 1135-1136, 1248-1249, 1253, 1301-1302, 1303-1304, 1312, 1313, 1314, 1318, 1319 in 1137, 1325, 1364, 1365, 1366, 1370-1370A, 1371, 1384, 1385-1386, 1387 with 1434, 1435-1437, 1438, 1441 with 1634, 1475-1476, 1513, 1573, 1639 in 1135-1136 IN I.A. 566, 1664, 1665, 1671, 1676, 1707, 1721, 1779 IN 1164 IN 566, 1785-1786 in 1441, 1980-1981, 1993, 2013, 2074-2076, 2077-2076 in 1441 & 2098 IN 1233 IN 1135-1136, 2145-2146, 2147-2148, 2149-2150 & 2153-2154 IN IA 566 in W.P.(C) No. 202/1995

T.N. Godavarman Thirumulpad

..... Petitioner

Versus

Union of India & Ors.

..... Respondents

ORDER

It is an undisputed fact that the forest in this country is an important and vital component to sustain the life support system on this planet. For various reasons, our forest is being slowly depleted. At the same time, as part of our developmental activities, some areas of the forest have to be used for non-forest purposes. The economic development shall not be at the cost of complete degradation of the forest or the environment and eco-system provided by the green area of the forest. Therefore, it was considered whether the user agency of such land which is required for developmental activities to compensate for the diversion of the forest and on the recommendations of the Central Empowered Committee (hereinafter being referred to as "CEC"), it was decided by this Court that the user agency shall be required to make payment of net present value (NPV) of such diverted land so as to utilize this for getting back in the long run which are lost by such diversion. A scheme was submitted by Ministry of Environment and Forests (MOEF) alongwith an affidavit dated 22.3.2002. The CEC considered all relevant aspects including the scheme submitted by MOEF and filed a report on 9.8.2002. These reports were accepted by this Court. This Court in **T.N. Godavarman Thirumulpad Vs. Union of India** 2006(1) SCC 1 finally directed that the question as to what amount of NPV is required to be paid and to achieve these objectives, it was directed that the question is to be examined by experts. A Committee comprising of three experts

including Mrs. Kanchan Chopra was appointed and this Court gave the following directions:-

- (i) to identify and define parameters (scientific, biometric and social) on the basis of which each of the categories of values of forest land should be estimated.
- (ii) To formulate a practical methodology applicable to different biogeographical zones of India for estimation of the values in monetary terms in respect of each of the above categories of forest values.
- (iii) To illustratively apply this methodology to obtain actual numerical values for different forest types for each biogeographical zone in the country.
- (iv) To determine to the basis of established principles of public finance, who should pay the costs of restoration and/ or compensation with respect to each category of values of forests.
- (v) Which projects deserve to be exempted from payment of NPV.

On the basis of the directions issued by this Court, a Committee consisting of Mrs. Kanchan Chopra gave a report and the same was examined by the CEC.

The report contains detailed study of the relevant factors. The Forest Survey of India, has since last two decades, been undertaking forest cover mapping of the country using satellite data obtained by the NRSA, Hyderabad. The methodology of mapping involves the geo-rectification of the satellite imagery using the Survey of India toposheets followed by the digital interpretation of the same and extensive ground truthing. It was found that the forest cover maps depicts mainly three tree canopy density classes, viz., very dense, moderately dense and open. There were other classifications in the Forest of India and "Champion and Seth" have classified the forests of India into 16 major groups. The major basis of classification included the climate, the soil and the past treatment as these factors determine the vegetation type of a given locality. CEC has classified the forest taking in view the ecological role and value of the forests and for the purpose of the report, 16 major forest types have been further grouped into 6 ecological classes depending upon their ecological functions.

Eco-Class I - Consisting of Tropical Wet Evergreen Forests, Tropical Semi Evergreen Forests and Tropical Moist Deciduous Forests

Eco-Class II - Consisting of Littoral and Swamp Forests

Eco-Class III - Consisting of Tropical Dry Deciduous Forests

Eco-Class IV - Consisting of Tropical Thorn Forests and Tropical Dry Evergreen Forests

Eco-Class V - Consisting of Sub-tropical Broad Leaved Hill Forests, Sub-Tropical Pine Forests and Sub Tropical Dry Evergreen Forests

Eco-Class VI - Consisting of Montane Wet Temperate Forests, Himalayan Moist Temperate Forests, Himalayan Dry Temperate Forests, Sub Alpine Forest, Moist Alpine Scrub and Dry Alpine Scrub

Based on the ecological importance of forest falling in different eco-value and canopy density classes, relative weightage factors have also been taken into consideration. By using these relative weightage factors, the equalized forest area in eco-value Class I and very dense forest corresponding to forest falling in different eco-value and density classes have been compiled. For example, 17,997 sq.km. of open forest of Eco-Class IV has been calculated to be equivalent to 7,558 sq.km. of very dense forest of Eco-Value Class I. Accordingly, the entire forest area of the country has been calculated and found to be equivalent to 5.2 lakh sq. km. forest area having highest ecological significance as that of forest falling in eco-value Class I with density above 70%.

The net present value per hectare for forest has been fixed based on this data. For calculating the average net present value per hectare of forest in India, the following monetary value of goods and services provided by the Forest have been considered:-

- (i) Value of timber and fuel wood.
- (ii) Value of Non Timber Forest Products (NTFP)
- (iii) Value of fodder.
- (iv) Value of Eco-tourism.
- (v) Value of bio-prospecting.
- (vi) Value of Ecological services of forest.
- (vii) Value of Flagship Species.
- (viii) Carbon Sequestration Value.

Based on this, the NPV was fixed and the following recommendations have been made:-

- (i) for non-forestry use/diversion of forest land, the NPV may be directed to be deposited in the Compensatory Afforestation Fund as per the rates given below:-

(in Rs.)

Eco-Value class	Very Dense Forest	Dense Forest	Open Forest
Class I	10,43,000	9,39,000	7,30,000
Class II	10,43,000	9,39,000	7,30,000
Class III	8,87,000	8,03,000	6,26,000
Class IV	6,26,000	5,63,000	4,38,000

Class V	9,39,000	8,45,000	6,57,000
Class VI	9,91,000	8,97,000	6,99,000

- (ii) the use of forest land falling in National Parks / Wildlife Sanctuaries will be permissible only in totally unavoidable circumstances for public interest projects and after obtaining permission from the Hon'ble Court. Such permissions may be considered on payment of an amount equal to ten times in the case of National Parks and five times in the case of Sanctuaries respectively of the NPV payable for such areas. The use of non-forest land falling within the National Parks and Wildlife Sanctuaries may be permitted on payment of an amount equal to the NPV payable for the adjoining forest area. In respect of non-forest land falling within marine National Parks / Wildlife Sanctuaries, the amount may be fixed at five times the NPV payable for the adjoining forest area;
- (iii) these NPV rates may be made applicable with prospective effect except in specific cases such as Lower Subhanshri Project, mining leases of SECL, Field Firing Ranges, wherein pursuant to the orders passed by this Hon'ble Court, the approvals have been accorded on lump-sum payment / no payment towards the NPV, and
- (iv) for preparation and supply of district level maps and GPS equipments to the concerned State / UT Forest Departments and the regional offices of the MOEF, the Ad-hoc CAMPA may be asked to provide an amount of Rs. 1.0 crore to the Forest Survey of India out of the interest received by it.

Ministry of Environment and Forests also has filed its response and has accepted the recommendations made by CEC. Various user agencies have filed its objections. We heard the learned senior Counsel Mr. Nariman and other learned senior Counsel who appeared before us. The main contention raised is that the NPV value was fixed on the basis of the net flow accruing over 20 years at a 5% social discount rate. This, according to the applicants, is too low. It has been contended that the Economic and Research Department of the Asian Development Bank is of the view that a survey of the social discount rate policies of individual countries show significant variations and the developing countries apply higher social discount rate. The paper published by Asian Development Bank shows that India should have a social discount rate of 12%. It may be noted that the Expert Committee under the leadership of Mrs. Kanchan Chopra recommended 5% social discount rate but the CEC has reduced further and accepted 4% social discount rate. It may be noted that the CEC had made consultation with eminent economists and it was of the view that the social discount rate should be around 2% in India. We do not find much force in the contention advanced by the learned Counsel who appeared for the user agents. The 10% suggested by them cannot be applied to the present case because 10% is the rate linked to assumptions about the opportunity cost of capital. One cannot apply that rate for social time preference in evaluating the benefits from an environmental resource such as forests. In project evaluation, the horizon is compatible with the life of the project whereas in forest matters, the horizon spans over several generations. Therefore, the rate of 10%, as suggested by the user agency cannot be accepted.

Another contention raised by the applicant (FIMI) is that the NPV is not fixed on site specific and, therefore, the fixation of the rate is based on surmises and conjectures and the same rate cannot be applied to the large extent of area covered by the forests. This question was elaborately considered by the CEC. Considering the large extent of this country and the forest being spread over in various parts of the State, it is difficult to fix the NPV based on the specific area. It is not feasible to fix NPV in each and every individual case. The entire forest area in each of the State/UT is calculated by considering the monetary value of the services provided by it. The average NPV per hectare of the forest area in the State has also been calculated. If NPV is to be calculated on the specific area, the process would be time consuming and in most of the cases, it may be beyond the capability of the Range Forest Officers or other officials posted at the grassroot level. Moreover, the NPV is linked with the type of the forest and no useful purpose would be served by carrying out NPV calculations in each case involving the diversion of forest areas.

We are of the view that the NPV now fixed is more scientific and is based on all available data. We accept the recommendations and we make it clear that the NPV rate now fixed would hold good for a period of three years and subject to variation after three years. The following exemptions have been recommended:-

- (i) public works such as schools, hospitals, children play grounds of non-commercial nature and the public welfare projects such as community centres in rural areas which require forest land upto 2 ha.;
- (ii) rural infrastructure and basic services such as the construction of the overhead tanks, village roads, etc.;
- (iii) the minor irrigation projects upto 10 ha. of storage area, municipal water supply projects, drinking water supply pipelines;
- (iv) activities necessary for the ecological management, relocation of the villages from the sanctuaries and the national parks, regularization of pre-1980 eligible encroachers;
- (v) housing for the rehabilitation of tribals, laying of the underground optical fibre cables;
- (vi) laying of the pipelines for the underground gas transportation;
- (vii) the district and rural roads;
- (viii) shifting cultivation;

- (ix) roads constructed by Defence in border areas;
- (x) construction of the transmission lines.

The above recommendations for exemptions are accepted. If, in any case, exemption is required by nature of the peculiar circumstances of the cases, the same would be decided as and when necessary on a case to case basis.

..... CJI  
(K.G.BALAKRISHNAN)  
.....J.  
(DR. ARIJIT PASAYAT)  
.....J.  
(S.H. KAPADIA)

New Delhi  
March 28, 2008

D. No. 597/1995/SC/file, SUPREME COURT OF INDIA, NEW DELHI DATED 29, MAY 2008  
FROM ASSISTANT REGISTRAR (PIL CELL)

IN THE MATTER OF :- INTERLOCUTORY APPLICATION NOS. 826 in 566 with 955 IN 566, 985, 1001-1001A, 1013-1014, 1016-1018, 1019, 1046, 1047, 1135-1136, 1164, 1180-1181, 1182-1183, 1196, 1208-1209, 1222-1223, 1224-1225, 1229, 1233, in 1135-1136, 1248-1249, 1253, 1301-1302, 1303-1304, 1312, 1313, 1314, 1318, 1319 in 1137, 1325, 1364, 1365, 1366, 1370-1370A, 1371, 1384, 1385-1386, 1387 with 1434, 1435-1437, 1438, 1441 with 1634, 1475-1476, 1513, 1573, 1639 in 1135-1136 IN I.A. 566, 1664, 1665, 1671, 1676, 1707, 1721, 1779 IN 1164 IN 566, 1785-1786 in 1441, 1980-1981, 1993, 2013, 2074-2076, 2077-2076 in 1441 & 2098 IN 1233 IN 1135-1136, 2145-2146, 2147-2148, 2149-2150 & 2153-2154 IN 566

IN  
WRIT PETITION (CIVIL) NO. 202 OF 1995  
(Under Article 32 of the Constitution of India)  
T.N. Godavarman Thirumulpad

..... Petitioner

Versus

Union of India & Ors.

..... Respondents

Sir / Madam, In continuation of this Registry's letter dated 15<sup>th</sup> May, 2008. I am directed to forward herewith a certified copy of the corrected signed Order dated 09.05.2008 passed by Hon'ble Court in Interlocutory Applications in Writ Petition above-mentioned for your information and necessary action.  
Please acknowledge receipt.

Yours faithfully,  
Signature/  
Assistant Registrar

IN THE SUPREME COURT OF INDIA, CIVIL ORIGINAL JURISDICTION 189465

I A Nos. 826 in 566 with 955 IN 566, 985, 1001-1001A, 1013-1014, 1016-1018, 1019, 1046, 1047, 1135-1136, 1164, 1180-1181, 1182-1183, 1196, 1208-1209, 1222-1223, 1224-1225, 1229, 1233, in 1135-1136, 1248-1249, 1253, 1301-1302, 1303-1304, 1312, 1313, 1314, 1318, 1319 in 1137, 1325, 1364, 1365, 1366, 1370-1370A, 1371, 1384, 1385-1386, 1387 with 1434, 1435-1437, 1438, 1441 with 1634, 1475-1476, 1513, 1573, 1639 in 1135-1136 IN I.A. 566, 1664, 1665, 1671, 1676, 1707, 1721, 1779 IN 1164 IN 566, 1785-1786 in 1441, 1980-1981, 1993, 2013, 2074-2076, 2077-2076 in 1441 & 2098 IN 1233 IN 1135-1136, 2145-2146, 2147-2148, 2149-2150 & 2153-2154 IN IA 566 in W.P.(C) No. 202/1995

T.N. Godavarman Thirumulpad

..... Petitioner

Versus

Union of India & Ors.

..... Respondents

ORDER

On 28<sup>th</sup> March, 2008, we had passed an order regarding payment of Net Present Value (NPV) accepting the recommendations made by CEC which were more or less acceptable to MOEF. In that order we had also indicated that

exemptions from payment to NPV have to be granted in respect of certain categories. However, it is brought to our notice that certain typographical mistakes had crept in that order as to categories to which such exemptions are to be granted. Therefore, we direct that as regards exemptions from payment of NPV, the last part of that order reading "We are of the view ..... (x) construction of the transmission lines" on pages 10 to 11 shall stand substituted with the following :-

Category	CEC
i) Schools ii) Hospitals iii) Children's play ground of non commercial nature. iv) Community centres in rural areas. v) Over-head tanks vi) Village tanks, vii) Laying of underground drinking water pipeline upto 4 diameter and viii) Electricity distribution line upto 22KV in rural areas.	Full exemption upto 1 ha. of forest land provided: (a) no felling of trees is involved. (b) Alternate forest land is not available; (c) the project is of non-commercial nature and is part of the Plan/Non- Plan Scheme of Government; and (d) the area is outside National Park/ Sanctuary.
Relocation of villages from the National Parks/ Sanctuary to alternate forest land	Full Exemption
Collection of boulders/silts from the river belts in the forest area.	Full exemption provided :- (a) area is outside National Park/Sanctuary. (b) no mining lease is approved/signed in respect of this area; (c) the works including the sale of boulders/ silt are carried out departmentally or through Government undertaking or through the Economic Development Committee Management Committee. (d) the activity is necessary for conservation and protection of forests, and (e) the sale proceeds are used protection/ conservation of forests.
Laying of underground optical fibre cable	Full exemption provided: (a) no felling of trees is involved; and (b) areas falls outside National Park / Sanctuary.
Pre-1980 regularisation of encroachments and conversion of forest villages into revenue villages	Full exemption provided these are strictly in accordance with MOEF's Guidelines dated 18.9.1990
Underground mining	50% of the NPV of the entire area.

The above recommendations for exemptions are accepted. If, in any case, exemption is required by nature of the peculiar circumstances of the case, the same would be decided as and when necessary on a case to case basis.

..... CJI  
(K.G.BALAKRISHNAN)  
.....J.  
(DR. ARIJIT PASAYAT)  
.....J.  
(S.H. KAPADIA)

New Delhi  
May 9, 2008

F.No.8-84/2002-FC Government of India, Ministry of Environment & Forests, F.C. Division, Paryavaran Bhawan, CGO Complex, Lodhi Road, New Delhi-110 003 Dated 14.5.2004

Sub.: Guidelines for diversion of forest land for non-forest purposes under the Forest (Conservation) Act, 1980 – For projects utilizing Wind Energy thereof.

Sir,

Please refer to the policy guidelines issued by the Central Government for diversion of forest land for projects utilizing Wind Energy under the Forest (Conservation) Act, 1980 vide Ministry of Environment & Forests letter of even number

dated 10.11.2003. In this context, subsequently the Ministry of Environment & Forests has received some representations from various stakeholder seeking certain modifications in the policy guidelines to make it more compatible with the Indian conditions and available technology. Accordingly, a meeting of stakeholders was called by the Ministry of Environment & Forests on 13.4.2004 to discuss these issues, which was attended by representatives of Ministry of Non-Conventional Energy Sources, Government of India, Government of Karnataka, Maharashtra, Rajasthan besides the representatives of Indian Wind Turbine Manufactures Association, Indian Wind Energy Association and various other stakeholders.

The stakeholders have represented on certain points of policy guidelines. These issues were discussed at length in the meeting. After taking a holistic view on the existing technology available in the country and need to promote the investment in environment friendly energy sector and after careful examination of the technical issues with the State Government and user agencies, the Central Government hereby, approves modifications in the already issued guidelines.

Therefore, in supersession of the guidelines issued vide letter of even number dated 10.11.2003, the Central Government hereby issues the following guidelines:

1. In order to have a long term view on energy sources, the State / UT Government should fix the ratio of the wind energy with respect to other sources of energy in advance i.e. the ratio of thermal, nuclear, wind energy in the State / UT.
2. (i) Areas like National Parks and Sanctuaries, areas of Outstanding Natural Beauty (AONBs), Natural Heritage Site, sites of Archeological importance and sites of Special Scientific Interests and other important landscapes should not be considered for the wind energy farms.  
(ii) The wind energy farm shall be located at a safe distance from the sites mentioned in para 2(i)  
(iii) The vane tips of the wind turbine shall be painted with orange colour to avoid bird hits. The State Government should take sufficient precaution in considering the location of the wind mills so that it should not stand in the migratory path of the birds and should not be near the breeding sites of the migratory birds as the turbine of the wind mill produces a humming sound, which may cause disturbance for the avian habitat.  
(iv) The distance of the wind mill turbines from the highways, village habitation shall be at a safe distance, and in normal course, a distance of 300 metre would be considered safe.
3. (i) A large number of small wind turbines, together with their access paths, will constitute more disturbance to the forest area than a small number of large turbines. Large size wind turbines upto 4.5 MW capacity are being now utilized in most of the countries. Large size wind turbines are not only cost effective and generate substantially more power but also need less forest land. Therefore, as the technology is available, in forest areas the wind mills of less than 500 KW power generating capacity shall not be allowed. However, within the perimeter of wind farm having at least 500 KW power generating capacity turbines, smaller turbines may be allowed for optimization of wind energy.  
(ii) If the terrain permits, wind mills of capacity of atleast 1 MW should be installed in order to ensure optimal use of forest land. However, this condition shall not be applicable to the proposals involving wind mills of 500 KW and above but below 1 MW power generating capacity, already in pipeline or pending before the State Government / Central Government as on date.  
(iii) As an exception, "Stand alone" wind mills upto 10KW off grid (where no transmission grid is needed) shall be allowed in the forest areas, so that developer could strive for providing electricity in remote rural areas.  
(iv) Wind energy sector is witnessing rapid technological innovation at the global level through research and development activities. In order to bring latest technology, after a period of 3 years, the Ministry will review the situation and technology available to consider any further changes. The policy will be further reviewed after 5 years in order to see if the wind mills of high power generation capacity on the forest lands could be promoted. The wind farm developers should therefore, be encouraged and motivated to adopt latest technology best at par in the world.  
(v) The lease period initially shall be for a period of 30 years. The forest land will be leased in favour of the developers and within a period of 4 years of Stage-II approval, the lease shall be transferred in the name of investors/powers producers. In case the developers fail to develop wind farms, the land shall be reverted back to Forest Department without any compensation.  
(vi) The proposal shall include requirement of forest land inclusive of the corridors between the successive wind mills, statutory buildings, earthing pits, transmission lines and roads including provision for repose, breast walls, drains, curvature etc.  
(vii) Details of alternatives explored on non-forest lands shall be clearly given in the proposal.  
(viii) Since the output of the wind mill is only 25% of its capacity, cost benefit analysis of the project would be an essential requirement. Details of employment generated, cost of electricity produced by wind energy, economic viability of the project etc. should also be given in the proposal.
4. In order to plant the wind farms on the forest land systematically, reconnaissance survey etc. as allowed in other cases, shall be allowed for wind farms development also in accordance with para 1.3 (i) of the guidelines

issued under the Forest (Conservation) Act, 1980. For this purpose, the developers should ensure that "Wind Metmast" are erected in forest areas for wind mapping covering an area of not more than 50m X 50m @ one Wind Mast for every 500 hectare. A one time payment of Rs. 1.00 lakh per wind mast shall be charged for this permission. The amount so collected shall be deposited with CAMPA which shall be further utilized for forest conservation activities and providing gas connections to the forest dependent communities. The wind mast shall be removed maximum after two years. Further, wherever wind data is already available, erection of wind mast shall not be mandatory. After the wind density and other technical parameters areas are ascertained, the proposal shall be forwarded by the State/UT Forest Department to the Central Government, for diversion of forest land for establishment of wind farms. However, existing proposals in the pipeline or under consideration at various stages, shall be dealt with according to the guidelines and parameters issued for different wind density regions by the Ministry of Non-conventional Energy Sources, Government of India.

5. A lease rent of Rs. 30,000/- per MW for the period of lease in addition to compensatory afforestation, net present value etc. shall be charged from the user agency. This amount shall be utilized in providing gas connections to the local villagers under the Joint Forest Management Programme and for other conservation measures. This amount shall be deposited with Compensatory Afforestation Management and Planning Agency (CAMPA)
6. (i) Due to high wind velocity, most of the areas where the wind farms are being established are having scrubby vegetation devoid of large size trees. Around 65% to 70% lease out areas in the wind farms shall be utilized for developing medicinal plant gardens, wherever feasible, by the Forest Department at the cost of the User Agency. The State / UT Government could also take help of National Medicinal Plant Board in properly creating corridors of medicinal plant gardens. The intervening areas between two wind mill footprints should also be planted up by dwarf species of trees at the project cost.  
(ii) Soil & Moisture Conservation measures like contour trenching shall be taken up on the hillocks supporting the wind mill.
7. The alignment of roads shall be done by a recognized firm and got approved by the Divisional Forest Officer concerned. Further, the transmission lines from the wind farms to the grid as far as possible should also be aligned collaterally along the roads.
8. The wind turbines / wind mills to be used on forest land shall be approved for use in the country by the Ministry of Non-Conventional Energy Sources, Government of India.

The State/UTs should follow these guidelines while considering proposals for diversion of forest lands for establishment of wind energy farms on forest lands.

This issues with the approval of the competent authority.

Yours faithfully,  
Signature/  
(Dr. V.K. Bahuguna)  
Inspector General of Forests

राजस्थान सरकार, वन विभाग का परिपत्र क्रमांक: प.1(4)वन/96 पार्ट जयपुर, दिनांक 2.9.2006 कार्यालय प्रधान मुख्य वन संरक्षक, राजस्थान, जयपुर का पत्र पृष्ठांकन एफ16(एनओसी)98/वसु/प्रमुवसं/8301 दिनांक 22.9.2006

राजकीय/सामुदायिक गैर वन भूमि में वन विभाग द्वारा राजकीय व्यय से कराये गये वृक्षारोपण क्षेत्रों में गैर वानिकी कार्य करने हेतु भारत सरकार के पत्रांक 11-37/2003-एफसी दिनांक 30.8.2005 तथा माननीय सर्वोच्च न्यायालय के रिट पिटीशन संख्या 202/95 में दिनांक 12.12.96 को दिये गये निर्णय की अनुपालना में यह स्पष्ट किया जाता है कि ऐसे क्षेत्र जो कि अधिसूचित वन क्षेत्र, राजकीय रिकार्ड में दर्ज वन क्षेत्र एवं माननीय सर्वोच्च न्यायालय के निर्णय की अनुपालना में गठित समिति की अनुशंसा पर सम्मिलित वन क्षेत्रों को छोड़कर, राजकीय/सामुदायिक गैर वन भूमि पर वन विभाग द्वारा राजकीय व्यय से कराये गये वृक्षारोपण क्षेत्रों का उपयोग गैर वानिकी गतिविधियों हेतु करने की अनुमति एतद्वारा निम्न शर्तों के अधीन प्रदान की जाती है :-

1. ऐसी भूमियों के वनेतर उपयोग हेतु आवेदनकर्ताओं/उपभोक्ता एजेन्सी में, आवंटित की जाने वाली भूमि के दुगने गैर वनभूमि पर क्षतिपूर्ति वृक्षारोपण की वर्तमान दरों से राशि का भुगतान लिया जायेगा। यह दरें वन (संरक्षण) अधिनियम, 1980 के अन्तर्गत क्षतिपूर्ति वृक्षारोपण हेतु राज्य सरकार द्वारा अनुमोदित वर्तमान दरों के अनुरूप होगी। उक्त राशि से परिभ्रांषित वनभूमि में क्षतिपूर्ति वृक्षारोपण किया जावेगा।
2. आवेदनकर्ता/उपभोक्ता एजेन्सी द्वारा ऐसी भूमियों पर खड़ड़ी वन सम्पदा के मूल्य का भुगतान बाजार दर पर वन विभाग को किया जायेगा तथा वन सम्पदा का विदोहन अपने खर्च पर कर नजदीक के वन विभाग को चौकी/नाका/रेंज कार्यालय तक ऐसी सम्पदा का परिवहन कर वन विभाग को सम्भालाया जायेगा।
3. आवेदित राजकीय/सामुदायिक गैर वन भूमि जिस विभाग/संस्था की है, उसकी पूर्वानुमति आवेदनकर्ता/उपभोक्ता संस्था द्वारा प्राप्त की जावेगी।

4. आवेदनकर्ता/उपभोक्ता एजेंसी द्वारा आवंटित क्षेत्र को अलग करते हुए नियमानुसार सैपटीजोन (हरित पट्टी) विकसित की जावेगी जिससे आस-पास की वन सम्पदा को कोई नुकसान नहीं होवे।
5. आवेदनकर्ता/उपभोक्ता एजेंसी द्वारा पर्यावरण संरक्षण के सभी नियमों की पालना की जावेगी एवं उसके अतिरिक्त स्थानीय नियम, यदि कोई हो तो उनकी भी पालना की जावेगी।
6. उक्त अनापत्ति प्रमाण पत्र संबंधित उप वन संरक्षक / मण्डल वन अधिकारी द्वारा अपने स्तर पर उक्त शर्तों की पालना सुनिश्चित करते हुए गैर वानिकी कार्य का उपयोगिता एवं वृक्षारोपण के पारिस्थितिक महत्व को ध्यान में रखते हुए उच्च कार्यालय को सूचित करते हुए जारी किये जा सकेंगे।

एस.डी.  
(सुदर्शन सेठी)  
शासन सचिव, वन