

TAMIL NADU FOREST DEPARTMENT

From
Thiru S.Yuvaraj, IFS.,
Principal Chief Conservator of Forests,
(Head of Department),
Panagal Maaligai, Saidapet,
Chennai - 600 015.

To
The Additional Chief Secretary to Government,
Environment and Forests Department,
Secretariat,
Chennai 600 009.

Ref. No. TS43876/2019 dated. 22.02.2021

Sir,

Sub: Forests - Forest (Conservation) Act, 1980 – Madurai Circle / Theni Forest Division – Diversion of 0.039 ha of forest land for laying of OFC along road side of Andipatti-Usilampatti road section (Andipatti Ghat) in Madurai-Kochin NH 49 via Sasthakovil, Thimmarasanaicknanur village in across Andipatti South RF in Andipatti - Online proposal Submission by the User Agency ie., Thiru.T.T. Balsamy, SCO, RelianceJioInfocomm Ltd., Chennai - Regarding.

- Ref:
1. Online application uploaded by the User Agency - Thiru.T.T. Balsamy, SCO, Reliance JioInfocomm Ltd., Chennai. (FP/TN/Others /38131/2019).
 2. Principal Chief Conservator of Forests ref .No. TS4/3876/2019, dt. 04.02.2019 & Reply by the User Agency on 15.02.2019.
 3. Principal Chief Conservator of Forests ref. No. TS4/3876/2019, dt. 07.03.2019 & Reply by the User Agency on 30.12.2019.
 4. Principal Chief Conservator of Forests ref. No. TS4/3876/2019, dt. 03.01.2020
 5. Acknowledgements for the receipt of proposals by the District Forest Officer, Theni, Additional Principal Chief Conservator of Forests, Madurai and District Collector, Theni uploaded on 18.03.2020.
 6. Hard copies of proposals received on 20.03.2020.
 7. Principal Chief Conservator of Forests ref. No. TS4/3876/2019, dt. 20.03.2020.
 8. Part-II recommendation by the District Forest Officer, Theni ref: No: D/1305/2019, dated 08.09.2020.
 9. Part-III recommendation by the Additional Principal Chief Conservator of Forests, Madurai ref:No: D1/599/2020 dated 18.01.2021.

I wish to state that M/s. Reliance Jio Infocomm Ltd., Chennai has uploaded an online proposal for diversion of 0.039 ha of forest land for laying of OFC along road side of Andipatti-Usilampatti road section (Andipatti Ghat) in Madurai-Kochin NH 49 via Sasthakovil, Thimmarasanaicknanur village in across Andipatti South RF in Andipatti in Theni division, Theni district. The details of the proposal are as follows.

1) The length proposed for laying of OFC along road side is 1.3km and the width is 0.30m passes through Andipatty South RF and total extent of forest land proposed for this project is 0.039ha.

2) The user agency has stated that the area requested for this proposal is minimum considering the requirements and also considering the safety of the cables so laid. Since the telecommunication cables also carry the communication from the Government offices, Defence & Strategic establishments and from the different industrial organizations apart from the general public, for the safety and confidentiality of the conversation so made it is not advisable to lay such important cables on the private land belonging to different parties.

3) The User Agency has furnished following Certificates / Undertakings.

i) Form-A, Part-1 for seeking prior approval under Section 2 of the Forest (Conservation) Act, 1980.

ii) Short narrative of the proposal for which the forest land is required. (As required vide A-1 (iii) of proposal format).

iii) Copy of Survey of India topo sheet indicating boundary of forest land proposed to be diverted has been up-loaded forest boundary (Section C of Maps-C.iii)

iv) Geo referenced location map of the proposed diversion of forest area for formation of road marked in the google earth (Section C of Maps-C.iv).

v) Note containing justification for locating the project in forest area (As required vide D.(i) of proposal format) enclosed.

vi) i. Certificate regarding no suitable alternate non forest land available for the project.

ii. Certificate for Settlement of rights under Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Right) Act, 2006.

vii) Signed copy of Form A of the proposal.

viii) Area requirement details for the project.

ix) Certificate regarding the requirement of forest land is barest minimum.

x) Undertaking to bear the cost of Compensatory Afforestation, Penal Compensatory Afforestation/Maintenance of plantation/Protection of plantation for the proposed area of diversion.

- xi) Certificate regarding no violation of Forest (Conservation) Act, 1980.
- xii) Certificate regarding no other alternative feasible route available for the project.
- xiii) Certificate regarding the no catchment area treatment plan in the approved plan.
- xiv) Undertaking to pay the NPV amount as fixed by the Hon'ble Supreme Court of India required for the project.
- xv) Undertaking to pay the Additional NPV amount as fixed by the guidelines of Hon'ble Supreme Court of India required for the project.
- xvi) Undertaking to pay any cost of escalation for exploitation of trees if any available in the alignment path for the proposed diversion.
- xvii) Undertaking regarding no felling of trees involved in the required area for diversion.
- xviii) Certificate obtained from the District Collector, Theni District about settlement of Tribes under Forest Rights Act 2006 in the prescribed format.(Form-i for linear projects)
- xix) Certificate obtained from the District Collector, Theni District regarding no suitable alternate non forest land other than forest land available for the project.
- xx) Undertaking for the payment of cost towards lease rent as fixed by the Forest Department at the time of sanction along with any escalation for the forest land to be diverted.

4) The District Forest Officer, Theni has inspected the proposed area applied for diversion requested by the User Agency is 0.039 Ha. for laying of underground Optical Fiber Cables (OFC) for a distance of 1.30kms with a width of 0.30mt. on 08.06.2020.

The proposed area is forest land of Andipatty South Reserved Forest, Aundipatty South Beat, Andipatty Range. The area is along the Madurai – Coachin National highways, the area is side of the road devoid of vegetation with no tree growth and no important monuments.

The District Forest Officer in his recommendation stated that the project for diversion of 0.039Ha forest land is Andipatty South Reserved Forest, Aundipatty Range doesn't fall in Eco Sensitive Zone (ESZ) of Megamalai and Kodaikanal

Wildlife Sanctuaries and also not falls under Ecologically Sensitive Area (ESA). Proposed site doesn't have any important monuments / heritage site and is devoid of vegetation as it is along the Madurai – Cochin National Highways. The District Collector has certified there is no alternate non forest land. The User Agency has not carried out any work in violation of provisions of Forest (Conservation) Act, 1980. Since the project aims to provide improvement of Communication infrastructure and Hon'ble Prime Ministers vision of Digital India, the diversion of 0.039Ha. of forest land may be permitted.

5) In section 13 (ii) for Compensatory Afforestation scheme the District Forest Officer has uploaded as Nil and in 13 (iii) & (iv) copy of Geo referenced location map of the proposed diversion of forest area for laying OFC along existing road duly marked in the google earth and Survey of India topo sheet indicating boundary of forest land proposed to be diverted has been uploaded. Since the area to be diverted is less than one ha (ie.) 0.039 ha and no felling of trees involved Compensatory Afforestation is not applicable for this project.

6) The Additional Principal Chief Conservator of Forests, Madurai has inspected the proposed area for laying underground OFC on 29.12.2020 has stated that the underground OFC proposed to be laid on the left side of the existing Madurai-Theni main road to a distance of 1,3 km and the trench width is 0.30m. There is no felling of trees involved in this proposal hence the diversion of forest land to an extent of 0.039ha may be considered.

The Additional Principal Chief Conservator of Forests, Madurai in Part III of Form A proposal by stating that the proposed area for diversion does not have any important monuments of Archeological, Heritage site, Defence establishment etc. and recommended the proposal for underground OFC in Andipatty South RF and beat in Andipatty range in Theni Forest Division to a distance of 1.30km and trench width of 0.30m to improve the communication facilities.

7) In this regard, it is submitted that the User Agency has uploaded all the certificates /undertakings/details as required in this proposal.

8) The proposal is sent herewith duly recommended in the Part IV format proposal by the Additional Principal Chief Conservator of Forests (FCA) / Nodal Officer (Forest Conservation Act).

The area proposed for diversion of 0.039ha of forest land in Andipatty South RF and beat in Andipatty range in Theni Forest Division to a distance of 1.30km and trench width of 0.30m for underground OFC along existing road is recommended and forwarded to the Government of Tamilnadu for obtaining approval from Government of India as the User Agency is private Ltd., and no right of way admitted for this road in the RF Notification subject to the following conditions.

1. The legal status of the land shall remain unchanged and shall remain as Reserved Forests.
2. The demarcation of the proposed forest area shall be carried out by erecting 4 feet height cement concrete pillars duly numbered at an interval of 20 mts at the cost of User Agency.
3. The Net Present Value (NPV) and Additional amount of the Net Present Value (NPV) of the diverted forest land if any, becoming due after revision of the same by the Hon'ble Supreme Court of India in future shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to the effect.
4. The User Agency shall be responsible for any loss to Flora and Fauna in the surroundings and shall take all possible measures to conserve the same.
5. The forest land shall not be used for any other purpose other than that specified in the proposal.
6. The lease rent should be realized from the User Agency as per G.O.Ms.No.272, E&F(FR.XIII) Dept. dated 15.04.1991.
7. The period of lease is 20 years
8. The User Agency should send renewal proposal one year before expiry of lease.
9. The Additional Principal Chief Conservator of Forests and District Forest Officer may impose any other condition in the interest of conservation /protection land development of forests.



For remitting of NPV amount, in Government of India Guidelines of Forest (Conservation) Act, 1980 in F.No.5-3/2007-FC, dated 05.02.2009, exemption for payment of Net Present Value for underground laying of Optical Fibre Cable has been allowed, if the area does not form a part of National Park / Sanctuary and no felling of trees is involved. The area proposed for this project is not declared as National Park / Sanctuary and no felling of trees involved in this project. Hence

payment of Net Present Value for the forest area diversion of laying OFC may not be insisted.

I am enclosing the proposal in duplicate duly recommended for obtaining concurrence of Government of India, Ministry of Environment, Forests and Climate change, Integrated Regional Office, Nungambakkam, Chennai under Forest (Conservation) Act, 1980 for diversion of 0.039ha of forest land for laying Optical Fibre cable along road side of Andipatty Usilampatty road section in Madurai-Cochin (NH-49) via Sasthakoil, Thimmarasanaicknanur village in across Andipatti South RF of Andipatti Range in Theni division, Theni district for 20 years.

Encl.: Proposal in duplicate.

Yours faithfully


for Principal Chief Conservator of Forests
(Head of Department)

3/3/2021

PART IV

(To be filed in by the Nodal Officer or Principal Chief Conservator of Forests or Head of Forest Department)

Name of the work: Forest (Conservation) Act, 1980 – Proposal for diversion of 0.039ha of forest land for laying Optical Fibre cable along road side of Andipatty Usilampatty road section in Madurai-Cochin (NH-49) via Sasthakoil, Thimmarasanaickanur village across Andipatty South RF in Andipatty.

Proposal No.FP/TN/others /38131/2019.

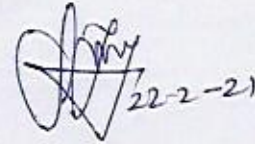
17. Detailed opinion and specific recommendation of the State Forest Department. for acceptance or otherwise of the proposal with remarks.

(While giving opinion, the adverse comments made by concerned Conservator of Forests or Deputy Conservator of Forests should be categorically reviewed and critically commented upon).

— Recommended —

Date:

Signature:



Place:

Name :

S.Yuvaraj, I.F.S.

Official seal: Additional Principal Chief Conservator of Forests, (FCA) & Nodal Officer (i/c) and Principal Chief Conservator of Forests, (Head of Department),