

Through On-line / E-mail.

TAMIL NADU FOREST DEPARTMENT

From

Dr. P. Durairasu, I.F.S.,
Principal Chief Conservator of Forests
(Head of Department)
Panagal Maaligai, Saidapet,
Chennai-600 015.

To

The Principal Secretary to Government,
Environment and Forests Department,
Secretariat, Chennai-600 009.

Ref. No. TS3/38628/2018 dated 23.09.2019.

Sir,

Sub: Forests - Forest (Conservation) Act, 1980 – Vellore Circle / Tirupathur Forest Division - Proposal for renewal of lease for diversion of 40 Ha of forest land for Vainu Bappu Observatory in Kavanur Indian Institute of Astrophysics in Jawadi Hills in Tirupathur Forest Division in Vellore District - Online proposal Submission by the User Agency ie., Administrative Officer, Indian Institute of Astrophysics, Bangalore - Regarding.

Ref:

1. Online application uploaded by the User Agency - The Administrative Officer, Indian Institute of Astrophysics, Block II, Koramangala, Bangalore Pin code 560034 - Proposal No. FP/TN/Others/37766/2018, dated 22.01.2019, 27.03.2019 & 25.04.2019
2. Part II of Form B uploaded by the District Forest Officer, Tirupathur Division, Tirupathur on 31.07.2019.
3. Part III of Form B uploaded by the Additional Principal Chief Conservator of Forests, Vellore Circle, Vellore on 06.08.2019

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I wish to state that, the Administrative Officer, Indian Institute of Astrophysics, Block II, Koramangala, Bangalore Pin code 560034, has submitted online application under Section 2 of Forest (Conservation) Act, 1980 for renewal of lease for diversion of 40 ha of forest land for Vainu Bappu Observatory at Kavanur Indian Institute of Astrophysics in Jawadi Hills in Tirupathur Forest Division in Vellore District of Tamil Nadu State under proposal No. FP/TN/Others/37726/2018.

I. 1) In the references 1st cited above, the Administrative Officer, Indian Institute of Astrophysics, Block II, Koramangala, Bangalore Pin code 560034, has submitted online application under Section 2 of Forest (Conservation) Act, 1980 for renewal of lease for diversion of 40 ha of forest land for Vainu Bappu Observatory at Kavanur Indian Institute of Astrophysics in Jawadi Hills in Tirupathur Forest Division in Vellore District of Tamil Nadu State.

2) The User Agency has uploaded the proposal in the prescribed format of Form B (Renewal) - Part I - under Section 2 of the Forest (Conservation) Act, 1980 for renewal of lease for diversion of forest area in the online submission and Monitoring of Forests Clearances Proposal (OSMFCP) portal.

3) After getting approval from the Government of India in letter No. F(C)A/16-1/33/TN/Misc/786, dated 07.07.2004, State Government have accorded orders for the renewal of lease of forest land over an extent of 40 ha in Jawadhi hills to Indian Institute of Astrophysics at Kavanur in Vellore District in G.O. Ms No. 254, Environment and Forests (FR.10) Department, Dated 24.06.2004 for period up to 04.09.2012.

a) Thereafter, the user agency has not renewed the lease and made an appeal to the Hon'ble Supreme Court of India for the exemption of Net Present Value of forest land of 40 ha.

b) Based on the directions issued by the Hon'ble Supreme Court of India in I.A. No. 3894-3896/2015 in W.P Civil No. 202/1995, the Government of India in letter F. No. 7-79/2017-FC, dated 14.08.2018 has observed that the lease period of the 40 Acres previously leased out forest land was extended for a period of ten years from 05.09.1975 and in respect of 60 acres forest land leased out from 18.10.1976 for a period of ten years. Since the lease of forest land has already been expired, the institute require fresh renewal of lease, therefore, a fresh proposal has to be submitted by the institute under the Forest Conservation Act, 1980 for 100 acres of forest land under the possession of the Institute.

c) Based on the above, the user agency has applied renewal of lease for the lease hold area under the control of user agency.

4) On behalf of Indian Institute of Astrophysics, Bangalore-34, the Administrative Officer has applied forest clearance proposal.

Administrative Officer, Indian Institute of Astrophysics has been authorised by the Dy. Administrative Officer of Indian Institute of Astrophysics, Bengaluru to submit application for seeking prior approval of Environment, Forests and Wildlife Clearance on behalf of Director, Indian Institute of Astrophysics. Legal status of the User Agency stated as Central Government.

5) As per Govt. of India communication dated 14.08.2018, out of 100 Acres of forest land under the possession of the user agency, Institute is using up to 10.00 Acres of forest land only for non-forestry purpose and rest of the forest land maintained as forest.

a) Based on the District Forest Officer, Tirupathur Division site inspection report, break up details of land under the control of user agency is as follows.

- i) Total built up area of building : 0.702 ha
- ii) Total landscape area : 1.243 ha
- iii) Roads : 1.073 ha
- iv) Area retained as forests : 36.982 ha
- Total leased out area : 40.00 ha

6) The User Agency has uploaded the kml file of the proposed forest area diversion area (renewal of lease area) segment in the google earth site and area of patch reported as 40.00 ha.

a) The User Agency has uploaded the copy of Survey of India Toposheet indicating the boundary of forest land proposed to be diverted and Scanned copy of the Geo-referenced map of the forest land proposed to be diverted prepared by using GPS or Total Station along with surveyed sketch and GPS reading.

7) The user agency has furnished justification of forest area diversion and its continuance.

a) The User Agency has stated that this project does not involve displacement of people and this project does not require cost-benefit analysis.

b) The User Agency has stated that, this project does not require clearance under the Environment (Protection) Act, 1986 and the project or a part thereof is not located in any protected area or their eco sensitive zone and this project or part thereof is not located in a Scheduled Area.

8) The User Agency has stated that, the process for settlement of Rights under the Forest Rights Act, 2006 on the forest land proposed to be diverted has not been completed. (Segment-K.i)

Since the 100 Acres of forest land is under the lease of Indian Institute of Astrophysics from 05.09.1975 to 04.09.2012 (lease renewal obtained period) and still the areas are under the control of Institute, Forest Rights Act, 2006 certificate on completion of process for settlement of rights under the Forest Rights Act, 2006 has not been insisted.

9) As per document uploaded by the user agency, in G.O. Ms No. 254, Environment and Forests (FR.10) Department, dated 24.08.2004, while obtaining renewal of lease for the forest area diversion, waiver of compensatory afforestation charges as a special case has been recommended. Hence for this renewal of lease, CA land/ scheme has not been insisted.

10) In the additional information details section, the user agency has uploaded following documents.

i) Copy of G.O. Ms No. 676, Forest and Fisheries Department, dated 21.05.1980 of granting lease of 100 acres of land to the institute for a period of 10 years from 05.09.1975 (for 40 acres) and 18.10.1976 (for 60 acres)

ii) Copy of G.O. Ms No. 254, Environment and Forests (FR.10) Department, dated 24.08.2004 of State Government orders for the renewal of lease for a period of 05.09.1985 to 04.09.2012.

iii) Copy of extract of Forestry Advisory Committee meeting conducted on the subject and the decisions taken.

iv) Copy of Government of India letter F. No. 7-79/2017-FC, dated 14.08.2018 informing the decision of Forest Advisory Committee on the request of user agency for waiver of NPV for forest land proposed for diversion under renewal of lease.

v) Further, the User Agency has furnished following certificates/ undertakings.

a) Certificate to effect that no violation of the provision of Forest (Conservation) Act, 1980 occurred has been furnished.

b) Undertaking to bear the additional Net Present Value which will be fixed in future as per the guidelines of Hon'ble Supreme Court of India as fixed by Forest

Department for the NPV amount fixed for the forest area used as non-forestry activity.

c) Undertaking to pay the 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 of the above project.

II. - 1) The proposal was forwarded to the District Forest Officer, Tirupathur Division on 02.07.2019 for necessary follow up action.

2) The District Forest Officer, Tirupathur Division has forwarded the proposal along with his Site Inspection report and recommendation of the proposal to the Additional Principal Chief Conservator of Forests, Vellore Circle on 31.07.2019.

3) The Additional Principal Chief Conservator of Forests, Vellore Circle has uploaded his site inspection report and recommendation of the proposal and forwarded the proposal to the Nodal Officer on 06.08.2019.

4) In the Part-II of Form-B, the District Forest Officer, Tirupathur Division has furnished following particulars.

i) The District Forest Officer, Tirupathur Division has reported that the legal status of the proposed site of renewal of leased area of 40.00 ha of forest land in Tirupathur Forest Division is 'Reserved Forests'. As per site inspection report, name of the forest land is "Inner-Jawadhi RF".

ii) The District Forest Officer has reported that, density of the forest area is 0.5 and Eco class three consisting of Southern Dry Deciduous Scrub Forest type.

iii) On vulnerability of the forest land proposed for diversion, the District Forest Officer reported that the place is situated at the hillock with gently eroded slope and covered with fairly dense vegetation. Hence the area light vulnerable for soil erosion.

iv) The forest area proposed for diversion is not forms part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant corridor, Wildlife migration corridor etc., and not located within 1 km boundary of NP/WLs etc., for the forest land proposed for diversion and not located within the eco-sensitive zone of the protected area notified under Wildlife (Protection) Act, 1972.

v) Indian bison, Spotted deer, Wild boar, Jungle fox, Jungle cate, Civet cate, Black napped hare, Indian rock Python, Monitor lizard, Pea fowl, fruiting bat and

varieties of birds are present in and around the forest area proposed for diversion. Rare / endangered / unique species of flora and fauna found in the area

vi) There is no protected archaeological/ heritage site/ defense establishment or any other important monument is located in the area.

vii) Requirement of forest land as proposed by the User Agency is unavoidable and bare minimum for the project and no work in violation of the Act or guidelines has been carried out.

viii) As per details furnished in the table of trees available in the forest area proposed for diversion, there is no tree available in the area. 36.982 ha of area retained with tree cover.

ix) For the renewal of lease of forest land, the District Forest Officer has not proposed any compensatory afforestation scheme.

x) In the additional information details section, the District Forest Officer has uploaded following documents.

a) District Forest Officer letter No. 9057/1958/D, dated 20.07.2019 addressed to the Principal Chief Conservator of Forests on recommendation of the proposal.

b) Site inspection report information by the District Forest Officer.

III) In the site inspection report, the District Forest Officer has stated that, the area proposed for diversion of 40.00 Ha of land for renewal of lease for Vainu Bappu Observatory, Indian Institute of Astrophysics, Kavalur inspected on 12.07.2019 & 20.07.2019. The proposed site is located in Inner Jawadhi hills at an altitude of 700 mts. Forest type is Secondary dry deciduous forests. Density of vegetation is noted as fairly dense forest and the density of vegetation is more than 0.4 and less than 0.6.

The existing infrastructure available by the user agency as follows.

i) Total built up area of building	:	0.702 ha
ii) Total landscape area	:	1.243 ha
iii) Roads	:	1.073 ha
iv) Area retained as forests	:	36.982 ha
Total leased out area	:	40.00 ha

The user agency has occupied a small part of the area about 7.50% ie., 3.018 ha, which was deforested in the earlier lease period and the rest of the

area was maintained as forest in order to provide conductive environment for astronomical research and to avoid any kind of disturbance to the observatory.

The user agency has approached Hon'ble Supreme Court of India for exemption of Net Present Value. Based on the direction of Hon'ble Supreme Court, the facts were placed before the Forestry Advisory Committee meeting held on 22.03.2018. After careful examination of the proposal by the FAC, the Committee recommended the following.

Based on the directions issued by the Hon'ble Supreme Court of India in I.A. No. 3894-3896/2015 in W.P Civil No. 202/1995, the Government of India in letter F. No. 7-79/2017-FC, dated 14.08.2018 has ordered the following.

i) The NPV may not be chargeable on total forest land which is under the possession of the Institute, because Institute is using up to 10.00 Acres of forest land only for non-forestry purpose and rest of the forest land is maintained as forest. Hence the NPV may be chargeable on 10.00 Acres of forest land, NPV already deposited to be adjusted accordingly.

ii) Extension plantation of indigenous species will be done by the user agency in the remaining of forest land under control of institute and no further diversion of the remaining forest land for non-forestry purpose will be done by the user agency.

iii) The lease period of previously leased out forest land was extended for a period of ten years from 05.09.1975 and in respect of 60 acres forest land leased out from 18.10.1976 for a period of ten years. Since the lease of forest land has already been expired, the institute require fresh renewal of lease, therefore, a fresh proposal has to be submitted by the institute under the Forest Conservation Act, 1980 for 100 acres of forest land under the possession of the Institute.

iv) The State Government will inform the terms and conditions of the lease granted to the institute specifying the period of lease.

Based on the above direction, the Institute has submitted forest area diversion proposal for renewal of lease.

The District Forest Officer has reported that during inspection, it was ascertained that the conditions imposed on the user agency by the Ministry of Environment and Forests were complied during the previous lease period and

violations under Forest Conservation Act were not observed. Hence it is recommended that the existing lease may be renewed with the usual conditions.

IV) In the recommendation report, the District Forest Officer has uploaded a copy of letter No. 9057/98/D, dated 20.07.2019 addressed to the Principal Chief Conservator of Forests recommending the renewal of lease.

The District Forest Officer has reported that the area is extensively used for the research work, the location of the observatory greatly help national and international astronomers to effectively access the celestial bodies across the sky. The astronomical observatories are usually set up in forest lands since light and other pollution in cities render them unusable for research activities. Nature of the work is purely academic interest. They occupy a small part of the land (7.5%), which was deforested while rest of the area is maintained as forest in order to provide conducive environment for astronomical research and to avoid any kind of disturbance to the observatory. During the site inspection, it was ascertained that the conditions imposed on the user agency by the Ministry of Environment and Forests were complied during the previous lease period and violations under Forest Conservation Act were not observed. Hence existing lease may be renewed with the usual conditions.

V) The Additional Principal Chief Conservator of Forests, Vellore Circle has inspected the area on 05.08.2019.

a) The Additional Principal Chief Conservator of Forests has endorsed the views presented by the District Forest Officer and recommended the proposal for renewal of lease under Forest Conservation Act.

VI) The User Agency has requested renewal of lease of forest area diversion for a period of 50 years. The District Forest Officer, Tirupathur Division and Additional Principal Chief Conservator of Forests, Vellore Circle have recommended the forest area diversion for a period of 50 years

Government of India, Ministry of Environment and Forests has accorded Central Government approval under Section 2 of the Forest Conservation Act, 1980 for renewal of lease from 05.09.1985 to 04.09.2012 for a period of 27 years in letter No. F(C)A/16-1/33/TN/Misc/786, dated 07.07.2004.

Hence renewal of lease has to be accorded from 05.09.2012 onwards.

Usually forest area diversions are recommended for a period of 20-25 years. Hence the lease period is recommended up to 04.09.2032. ie., 20 years period.

VII) As per details uploaded by the user agency, they have already remitted an amount of Rs. 50.00 Lakhs towards Net Present Value of the forest area diversion during the year 2011.

However, the Forestry Advisory Committee has observed that the Net Present Value may not be chargeable on total forest land which is under the possession of the Institute, because Institute is using up to 10.00 Acres of forest land only for non-forestry purpose and rest of the forest land is maintained as forest. Hence the NPV may be chargeable on 10.00 Acres of forest land, NPV already deposited to be adjusted accordingly.

The user agency has already remitted an amount of Rs. 50.00 lakhs towards NPV, and as per FAC decision, NPV has to be recovered from the user agency for 10 Acres only. If any amount is due to be repaid to the user agency, that amount proposed to be utilized by the State Government for the conservation of forest in the State without repayment of excess NPV if any due to the user agency.

VIII) Renewal of lease of 40 ha of forest area diversion is recommended with the following conditions.

- i) The legal status of forest land shall remain unchanged as forests.
- ii) The demarcation of the outer boundary of forest area shall be carried out by erecting 4 feet high cement concrete pillars duly numbered at an interval of 20 meters by the user agency.
- iii) Additional amount of 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.
- iv) The total lease out area of 40 ha and area used at present by the user agency for the following components of (i) Total built up area of building - 0.702 ha, (ii) Total landscape area - 1.243 ha, (iii) Roads- 1.073 ha and (iv) Area retained as forests -36.982 ha should not be modified without prior approval.
- v) The total forest area utilized for the project shall not exceed 40.00 ha and the forest area diverted shall not be used for any other purpose other than those shown in the diversion proposal.

vi) The User Agency has to pay the 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 of the above project in future for the entire project period.

vii) The user agency has already remitted an amount of Rs. 50.00 lakhs towards NPV, and as per FAC decision, NPV has to be recovered from the user agency for 10 Acres only. If any amount is due to be repaid to the user agency, that amount may be utilized by the State Government for the conservation of forest in the State without repayment of excess NPV if any due to the user agency.

viii) Period of lease can be twenty (20) years up to 04.09.2032. The User Agency has to apply renewal proposal before one year of expiry of lease with the State Forest Department.

IX) The proposal is sent herewith in duplicate duly recommended by the Additional Principal Chief Conservator of Forests (Forest Conservation Act) / Nodal Officer, Forest (Conservation) Act, 1980 of the State of Tamil Nadu. I request that the proposal may kindly be considered and Government of India approval may be obtained for renewal of lease for diversion of 40 ha of forest land for Vainu Bappu Observatory at Kavanur Indian Institute of Astrophysics in Jawadi Hills in Tirupathur Forest Division in Vellore District of Tamil Nadu State in favour of the Administrative Officer, Indian Institute of Astrophysics, Block II, Koramangala, Bangalore Pin code 560034 from 05.09.2012 up to 04.09.2032 ie., 20 years period.

Encl : As stated above.

Yours faithfully,

Chennai 23/09/2019

For Principal Chief Conservator of Forests
(Head of Department)

23/09/2019

PART - IV

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

Name of the work : Forests - Forest (Conservation) Act, 1980 – Vellore Circle / Tirupathur Forest Division - Proposal for renewal of lease for diversion of 40 Ha of forest land for Vainu Bappu Observatory in Kavanur Indian Institute of Astrophysics in Jawadi Hills in Tirupathur Forest Division in Vellore District - in favour of Administrative Officer, Indian Institute of Astrophysics, Bangalore - Proposal No. FP/TN/Others/37766/2018.

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 -

Signature : 

Name Designation :

Additional Principal Chief Conservator of Forests
(Forest Conservation Act),
O/o the Principal Chief Conservator of Forests,
Chennai-15

Date : 16 .09.2019

Place: Chennai-15