

TAMILNADU FOREST DEPARTMENT

From
Thiru Syed Muzammil Abbas, IFS.,
Principal Chief Conservator of Forests,
(Head of Forest Force),
Panagal Maaligai, Saidapet,
Chennai - 600 015.

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

C.No.TS4/ 39933/2018, Dated: 24 .05.2022

Madam,

Sub: Forests - Forest (Conservation) Act, 1980 – SMTR, Madurai Circle / Madurai Forest Division - Proposal for diversion of 0.033ha of forest land for laying OFC on the boundary of the road which passes through Forest area from Madurai-Natham road to Saranthangi Village – Online proposal submitted by the User Agency ie. Reliance Jio Infocomm Ltd., SCO, Mylapore, Chennai- Regarding.

- Ref:
1. 1 Online application uploaded by the User Agency – Reliance Jio Infocomm Ltd., SCO, Mylapore, Chennai (FP/TN/Others/33885/2018).
 2. PCCF ref. No. TS4/39933/2018, dt. 18.02.2020 & 16.06.2021.
 3. Part-II of Form-A uploaded by the District Forest Officer, Madurai in Ref.No:8407/2018/D1 dated 25.02.2021
 4. Part III of Form-A uploaded by the Addl. PCCF, Madurai in Ref. No: 600/2020 D1 dated 28.04.2021.
 5. District Forest Officer, Madurai C.No:8407/2018/D dated 28.10.2021
 6. Conservator of Forests & Field Director, SMTR, Madurai C.No:600/2020/D1 dated 11.11.2021.

I wish to state that the User Agency (Reliance JioInfocomm Ltd., Chennai) has furnished online application under Section 2 of Forest (Conservation) Act, 1980 in the prescribed format of Form A – Part I for diversion of 0.033ha of forest land for laying OFC on the boundary of the road which passes through Forest area from Madurai-Natham road to Saranthangi Village.

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

The User Agency has proposed forest area diversion for a period of year (A.1.x of proposal format) is 99 years.

2) In this regard, it is submitted that the User Agency has uploaded the following Certificates / Undertakings along with the online proposal of Form A – Part I.

i) Short narrative of the proposal for which the forest land is required. (As required vide A-1 (iii) of proposal format.) Laying of OFC on the boundary of the road which passes through forest area from Madurai-Natham Main Road to Saranthangi Village.

ii) Copy of document in support of the competence / authority of the person making this application to make application on behalf of the User Agency (As required vide A-3, (xvii) of proposal format).

iii) Google earth KML file uploaded.

iv) 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)

v) 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).

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

Since the telecommunication cables carry the communication from the Govt. Offices, Defence & Strategic Establishments and from the different Industrial Organizations apart from the general public, for the safety and confidentiality so made it is not advisable to lay such important cables in private land belonging to different parties. The cable alignment will be suitably diverted to avoid any cutting of trees and laid within the road land boundary by excavating a narrow trench of 0.30m width and upto 1 to 2m depth. The same strip of trench will be reinstated to its original condition. The area required for the laying of OFC is bare minimum which is part of the protected forest land. The project area does not involve any diversion of forest area in any manner.

vii) Certificate about the settlement of rights under Forest Rights Act in Form I on the forest land proposed to be diverted obtained from the District Collector, Madurai District in Roc.No:44995/2018 Y1 dated 06.12.2019.(As required under section K(i)of the proposed format)

viii) Area requirement details have been uploaded as 1100m length and 0.30m width.(0.033ha)

ix) Undertaking regarding No violation of Forest (Conservation) Act, 1980 has been occurred.

x) Undertaking regarding forest land required is minimum and all other alternatives have been examined and found not feasible.

xi) Undertaking to bear the cost of Compensatory Afforestation / Penal Compensatory Afforestation / Maintenance of Plantation / Protection of plantation for the proposed diversion of forest land as fixed by the Forest Department.

xii) Undertaking to pay the amount of Net Present Value which will be fixed as per the guidelines of Hon'ble Supreme Court of India

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

xiv) Undertaking to pay the cost along with any escalation for exploitation of trees if any available in the alignment path for the proposed land as fixed by Forest Department.

xv) Undertaking to bear the cost of felling of trees and transportation cost of the trees to be removed if any available in the alignment path for the proposed land as fixed by Forest Department.

xvi) Undertaking to agree to pay the cost towards lease rent as fixed by the Forest Department for the forest land to be diverted of the above project.

xvii) Undertaking regarding exemption of payment of Net Present Value as per guidelines of Government of India and subsequently if any in future, undertaking to made payment on issue of demand note by the Forest Department.

xviii) Certificate about no suitable and alternate non forest land available in the proposed stretch of land for laying of OFC obtained from the District Collector, Madurai District. Vide Roc.No:44995/2018 Y1 dated 04.12.2019.

3) The District Forest Officer, Madurai has uploaded Part-II details along with site inspection report and recommendation. In Part-II the following details were uploaded.

i) The legal status of forest land proposed for diversion is Reserved Forest.

ii) The density of vegetation is 0.4 and Eco class-IV.

iii) There is no tree species available in the proposed area.

iv) The area is less prone for soil erosion.

v) The forest land proposed is not part of Wildlife Sanctuary, National Park, Tiger Reserve, Elephant Corridor and not located in ESZ of Protected Area.

vi) The proposed area is not located in any protected archeological/heritage site/ defence establishment or any other important monument.

vii) No Compensatory Afforestation scheme was proposed.

4) The District Forest Officer has inspected the proposed area on 05.09.2020 and stated that

a. The area requested by the User Agency is 0.033ha for laying of underground Optical Fiber Cables (OFC) for a distance of 1.1kms to a width of 0.30mt. and a depth of 1m.

b. The proposed diversion falls in Kiluvaimalai RF.

c. The cable is proposed to be laid on left side of the road starting from the junction on Madurai-Natham NH and all along the Saranthangi road (in East-west direction) leading to Saranthangi. The road is located on the northern side of the Kiluvaimalai RF.

d. The user agency had proposed to lay the cable at a depth of 1 metre involving excavation at a width of 30 cm, From this, the proposed diversion is calculated as $1100 \text{ m} \times 0.3 \text{ m} = 0.033 \text{ hectares}$.

e. There are Eucalyptus trees all along the left side of the road but the user agency informed that they will not harm the trees.

f. No rock blasting or other form of destruction is allowed in the proposed area. If the work exceeds proposed width, it may harm the trees and hence the commitment is to be strictly upheld by the user agency.

g. From the records, it is ascertained that the said road is not in any of the forest records. The road is illegally formed during the year 2010 for which an offence was registered in OR.No.45 of 2010 in Madurai Range. But, a BT road is in existence and is currently used. Cairn stones are seen on the other side of the road that clarifies that the said road falls within the Reserved Forest.

h. The proposed diversion is essential to provide telecommunication services. It is a small tract of the project that is covering large landscapes. with the direction to user

agency to ensure that the work must be restricted to proposed area and wherever machinery cannot be accessed the work must be carried out manually, the project is considered'.

5) In his recommendation, the District Forest Officer has stated that an area of 0.033 hectares of forest land in Kiluvamalai RF of Madurai range is proposed to be diverted for laying OFC cable by Reliance JIO Infocomm Ltd., Mylapore, Chennai. It is essential for the telecommunication facility expansion and does not involve felling of trees or other vegetation and is hence, recommended.

6) The Additional Principal Chief Conservator of Forests, Madurai circle has uploaded Part-III details along with site inspection report and recommendation. In the Field Inspection notes, the Additional Principal Chief Conservator of Forests has stated that,

a. The proposed area for laying underground OFC is in Kiluvamalai Reserved Forest of Madurai Range in Madurai Forest Division and inspected along with the District Forest Officer and field staff on 24.04.2021.

b. The underground OFC work proposed to be laid on the left side of the Madurai-Natham main road to Saranthangi Village to a distance of 1.1km and a width of 0.30m.

c. The proposed area doesn't fall in any Eco Sensitive Zone of Megamalai and Kodaikanal Wildlife sanctuaries

d. There is no felling of trees involved in this proposal and hence the diversion of forest land to an extent of 0.033ha may be considered.

7) The Addl.Principal Chief Conservator of Forests, Madurai in his recommendation has stated that the User Agency has not done any works in the proposed area in violation of the provisions of the Forest Conservation Act 1980.

In Part-III of Form-A, The Addl.Principal Chief Conservator of Forests, Madurai has stated that he agreed the remarks of the District Forest Officer and the proposed area for diversion does not have any important monuments of Archeological ,Heritage site, Defense establishment etc and recommended the proposal to improve the communication facilities.

8) Regarding the illegal formation of road detailed report was already sent to Govt. in PCCF's ref.No:TS4/34103/2009 dated 25.10.2010 (copy enclosed)for taking action against the defaulters in Highways Department for formation of road without permission and orders awaited.

9) As per the Handbook of Forest Conservation Act 1980 and Forest Conservation Act Rules 2003 (Guidelines and clarifications) Chapter 3, Para 3.5, payment of Net Present Value is exempted for underground laying of Optical Fibre Cable, 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. Hence payment of Net Present Value for the forest area diversion of laying OFC may not be insisted.

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

11) 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).

12) The area proposed for diversion of Forest land to an extent of 0.033ha in Kiluvamalai Reserved Forest of Madurai Range in Madurai Division to a distance of 1.1km and trench width of 0.30m for underground OFC is recommended and forwarded to the Government of Tamilnadu 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 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.

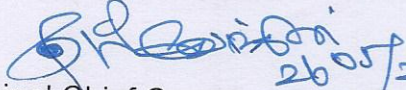
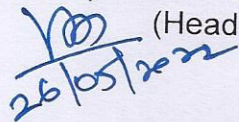
4. The User Agency shall be responsible for any loss to Flora and Fauna in the surroundings and shall take all possible measures to conserve the same.
5. The forest land shall not be used for any other purpose other than that specified in the proposal.
6. The lease rent should be realized from the User 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 Conservator of Forests & Field Director, SMTR, Madurai and District Forest Officer, Madurai may impose any other condition in the interest of conservation /protection land development of forests.
10. The User Agency should be uploaded the Compliance report on e-portal (<http://Parivesh.nic.in//>)

13) I am enclosing the proposal duly recommended for diversion of 0.033ha in Kiluvamalai Reserved Forest of Madurai Range in Madurai Division to a distance of 1.1km and trench width of 0.30m for transmitting the same to the Government of India for approval.

14) I request that in-principle Stage-I approval under Forest (Conservation) Act, 1980 for diversion of 0.033ha in Kiluvamalai Reserved Forest of Madurai Range in Madurai Division to a distance of 1.1km and trench width of 0.30m for underground OFC for a period of 20 years may be obtained from Government of India in favour of M/s Reliance Jio Infocomn, Chennai and communicate the same to this office.

Encl.: Proposal in duplicate.

Yours faithfully


for Principal Chief Conservator of Forests
(Head of Forest Force)


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: Forests - Forest (Conservation) Act, 1980 – Madurai Circle / Madurai Forest Division - Proposal for diversion of 0.033ha of forest land for laying OFC on the boundary of the road which passes through Forest area from Madurai-Natham road to Saranthangi Village – Online proposal submitted by the User Agency ie. Reliance Jio Infocomm Ltd., SCO, Mylappore, Chennai

Proposal No: ((FP/TN/Others/33885/2018).

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

Date: 15.03.22

Place:

Signature: *Diagpaul Bm* 15/3

Name :

Official Seal:

Additional Principal Chief Conservator of Forests
(Forest Conservation Act)/Nodal Officer