



ENVIRONMENT & FORESTS(FR.10)
DEPARTMENT, SECRETARIAT,
CHENNAI 9.

Letter No.21488/ FR.10/2019-1, Dated: 17.12.2019

From
Thiru. Shambu Kallollikar, I.A.S.,
Principal Secretary to Government.

To
The Additional Director General of Forests (Central),
Government of India,
Ministry of Environment, Forests and Climate Change,
Regional Office (South Eastern Zone),
1st & 2nd Floor, HEPC Building,
No.34, Cathedral Garden Road,
Nungambakkam, Chennai-34. (w.e.)

Sir,

Sub: Forests - Forest (Conservation) Act, 1980 – Coimbatore Circle /
Nilgiris Forest Division – Diversion of 10.12 ha. of forest land in
Wenlockdown Reserved Forest - for establishment of Government
Medical College, Udagamandalam, Nilgiris District in the forest areas
allotted to Hindustan Photo Films Limited – in favour of Joint Director
of Health Services, Government Head Quarters Hospital Campus, Jail
hill Road, Ooty, The Nilgiris District – Regarding.

Ref: From the Principal Chief Conservator of Forests, Letter
No.TS3/49011/2019, dated 10.12.2019.

I am directed to enclose a copy of the reference cited and to state that the Principal
Chief Conservator of Forests in his letter cited has stated that the Health and Family
Welfare Department represented by Joint Director of Health Services, Government Head
Quarters Hospital Campus, Jail hill road, Ooty, The Nilgiris District (user agency) has
uploaded online application under Section 2 of Forest (Conservation) Act, 1980 for diversion
of 10.12 ha. of forest land in Wenlockdown Reserved Forest area in Nilgiris Forest Division
for establishment of Government Medical College, Udagamandalam, Nilgiris District in the
forest areas allotted to Hindustan Photo Films Limited in the prescribed format of Form A -
Part I for diversion of fresh forest area.

2. The User Agency in the short narrative of the proposal for which forest land is
required, has stated that forest land is required for establishing New Government Medical
College in Nigiris District to provide tertiary and advanced medical care to the public of
Nilgiris District and floating population of tourists. Diversion of 10.12 ha. of forest has been
requested in Wenlockdown Reserved Forest area in the Nilgiris Forest Division area in

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Nilgiris District. Name of the village reported as Ooty Rural. The component wise break up details furnished by the user agency is as follows:-

a) Building area	- 2.73 ha.
b) Set back area and parking area	- 1.61 ha.
c) Approach road	- 1.82 ha.
d) Retaining wall	- 1.01 ha.
e) Storm water Drain	- 0.60 ha.
f) Open area	- 2.32 ha.
Total	= 10.09 or 10.12 ha.

3. The Principal Chief Conservator of Forests has further stated that the Location map of the forest land proposed to be diverted in kml file of google earth, Scanned copy of Survey of India topo sheet indicating the boundary of forest land proposed to be diverted, Scanned copy of Geo referenced location details and DGPS co-ordinates of the proposed alignment path have been furnished. In the justification report on locating the project in forest area, the user agency has reported that the Nilgiris District Headquarters Hospital is situated at Udagamandalam which is 421 bedded hospital. It is the first referral centre for the District and caters to a population of nearly seven lakhs fifty thousand of Nilgiris District and vast floating population of tourists. On an average 750 to 800 people are treated as outpatients and 50 to 60 cases are being admitted for inpatient treatment. 150 to 160 deliveries are conducted per month out of which nearly 90 to 100 are caesarean deliveries. The Nilgiris is one of the famous tourist destination and so heavy vehicular traffic is present especially in summer and second season and huge number of road traffic accidents occur. Nearly 60 to 70 road traffic accident cases are also on the rise and nearly 4 to 5 cases of Bison, Bear or Elephant attack are being admitted every month. The health care of public of the Nilgiris District is hampered due to non availability of adequate specialists like Cardiologists, Physicians, Obstetricians, Gynaecologists, Anesthetists, Neurosurgens, Nephrologists, Oncologists, Radiologists and Gastroenterologists. Due to this, they are left with no other alternative choice but to refer the cases to higher centres in Coimbatore, Mysore or Kerala, which takes nearly 3 to 4 hours travel time from Udagamandalam. Lot of precious time is wasted in travel when the patients are referred to higher centres which leads to more mortality. Many lives of pregnant mothers and Infants are lost due to the travel time during referral. During monsoon times, this travel time becomes more due to disruption of road traffic due to tree fall and landslides. A long standing demand of the public of Nilgiris District is to establish a medical college in the Nilgiris District which would take care of lot of these issues. Since 30 to 40 patients of cases admitted in Government Hospital Ooty and other taluk hospitals in this district are referred to higher centres for want of specialist, equipments, facilities, establishing a new medical college will reduce the referral of cases to other centres and thereby reducing the Infant mortality, Maternal mortality and general mortality rates. It would greatly reduce the Out of pocket expenditure of the people, thereby improving their quality of life. It would also help the students of the district to study medicines in their locality. And there is no alternate land is available inside the mandated 10km radius from the headquarters hospital for construction of new Government Medical College, which is duly certified by the District administration, so forest land is required for establishment of New Government Medical College.

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4. The User Agency has stated that the project is likely to generate permanent / regular employment for 300 numbers and temporary employment for 54750 persons. This project does not involve displacement of people due to the project and not requires cost-benefit analysis and clearance under the Environment (Protection) Act, 1986. The project or part thereof is not located in any protected area or their Eco sensitive zone.

5. The User Agency has furnished the certificate issued by the District Collector, Nilgiris District about completion of process for settlement of rights under Forest Rights Act, 2006 on the forest land proposed for diversion. The User Agency has uploaded memorandum of understanding entered with District Collector, Nilgiris District on identification of 20.24 ha of non-forest land in S. No. 46/1 of O'Valley village in Gudalur taluk as compensatory land to the Forest Department, as against the diversion of 10.12 ha of forest land in Wenlockdown RF for the project proposal. As per Adangal Register copy furnished by the user agency, classification of the land is Government-Punjai-unassessed Waste land. The user agency has also furnished necessary certificates / undertakings / details under additional Information details section.

6. In the Part-II of Form-A, the District Forest Officer, Nilgiris Division has furnished following particulars:-

- i) The legal status of the proposed site of diversion of 10.12 ha of forest land requested for the project is Reserved Forests of Wenlockdown.
- ii) The District Forest Officer has reported that, density of the forest area is 0.3 and forest type is Eco class six.
- iii) The District Forest Officer has reported that 1838 number of trees are available in the proposed forest diversion area and these trees have to be removed and reported that there is no spontaneous growth having value from the point of endemic and Biodiversity.
- iv) On vulnerability of the forest land proposed for diversion, the District Forest Officer reported that the proposed site is less vulnerable to erosion as the slope is less than 1/3, further it is covered by bushes, invasive alien species like Ulex europeous (gorse), Eupatorium etc.,
- v) The forest area proposed for diversion forms part of Nilgiris Biosphere Reserve and not located within eco-sensitive zone of the protected area notified under Wildlife Protection Act, 1972.

7. The District Forest Officer has reported that the Government Medical College project is not a highly polluting project and the project may not have adverse impact on Forest and Wildlife if complied with Environment laws. Wild animals like Barking deer, Wild bear, Indian Gaur, Leopard, Jungle fowl, Black napped hares, Porcupine etc., are present in and around the forest area proposed for diversion. There is no rare/ endangered/ unique species of flora and fauna found in the area. There is no protected archaeological/ heritage site/ defense establishment or any other important monument is located in the area. 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. Since the non-forest Compensatory Afforestation land lies in the O'valley village of
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Gudalur taluk, the District Forest Officer, Gudalur Division has inspected the Compensatory Afforestation land and furnished Compensatory Afforestation Scheme. Legal status of identified Compensatory Afforestation land is area declared under Tamil Nadu Preservation of Private Forest Act, 1949. However, this land is not under the control of Forest Department and not declared as notified Forest under Tamil Nadu Forest Act, 1882. Hence based on the guidelines issued under the Forest (Conservation) Act, 1980, forest lands which are not under the management and / or administrative control of the State Forest Department may be considered for the purpose of Compensatory Afforestation. Hence the area identified by the user agency is agreed upon by the District Collector for transfer of land to the Forest Department as compensatory land in lieu of forest area diverted for non-forestry purpose has been accepted as Compensatory Afforestation land.

8. The Principal Chief Conservator of Forests has further stated that based on site inspection made by the District Forest Officer, Gudalur Division, Compensatory Afforestation scheme has been proposed at a cost of Rs.4,23,62,126/- with maintenance of plantation over a period of 10 years for the 20.24 ha. area based on the Government of India guidelines. In the site inspection report, the District Forest Officer has stated that, site inspected on the land proposed for diversion carried out on 19.11.2019. The proposed site of 25 acres comprises of two Survey Numbers 168 part (old survey number) and 33(old survey number) of Udhagamandalam town. The User Agency, Joint Director, Health Department, Udhagamandalam has submitted a proposal requesting diversion of 25 acres of Forest land (Wenlockdowns Reserved Forests) for establishment of New Government Medical College on 18.10.2019, as per Government Order Ms.No. 372, Revenue and Disaster Management (LD, 4 (1)) Department, dated. 11.10.2019. The Complete 12.08 acres of Survey No. 168 Part (old survey number) and 12.92 acres out of 23.01 acres of Survey No. 33(old survey number) was applied for diversion. The above said Survey numbered lands along with other survey Number 35(old survey number) was transferred to Hindustan Photo Films Manufacturing Company Ltd as per G.O.Ms.No.1117, Food and Agri Department, dated. 27.03.1963 and G.O. Ms.No.3113, Forest and Fisheries Department, dated 13.09.1965.

9. The User Agency has completed DGPS Survey for the requested land. The proposed 25 acres of Forest land is a plantation along with few constructions inside. The details of the constructions is as follows:-

S. No.	Name of Building	Area in sqm
1.	8 Nos of Quarters with car parking shed	1420.11 m ²
2.	Car parking shed (1 No)	22.80 m ²
3.	Cable TV Room	25.20 m ²
4.	Antenna and tower	9.00 m ²
5.	Convention Hall	872.90 m ²
	Total	2350.01 m²

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Trees available in the proposed diversion area furnished by the District Forest Officer is as follows:-

S. No	Name of Tree	No of Trees
1.	Eucalyptus globulus	1683
2.	Eucalyptus grandis	01
3.	Accasia mearnsii	59
4.	Pinus pettula	39
5.	Accasia melonoxylum	13
6.	Michalia chenpaga	02
7.	Cypress couprosses	39
8.	Phodocarpus latifolia	02
Total		1838

10. He has further stated that regarding the location of the site, the land is adjoined by Ooty – Gudalur National Highway, Patta lands on East side, on the West side is the old Pykara road, North side is Forest land (i.e) the continuity of Survey No.33 which is transferred to Hindustan Photo Films Manufacturing Company Ltd., on the South side is forest land leased to Jersey Farm. The site is an abandoned plantation with few buildings as mentioned above and a Black top approach road of 364 meters length and 3.50 meters width branched from old Pykara road still exists. There is no spontaneous growth having value from the point of endemic and Biodiversity. The site is an eucalyptus plantation, it does not appear to be a core habitat of any resident Wildlife population worthy of particular mention. However, as the proposed land is contiguous to Reserve Forests, Wildlife movement is said to occur in the area. The proposed site is 25 km away from Mudumalai Tiger Reserve, 30 km away from Mukurthy National Park. The proposed site does not come under Tamil Nadu Preservation of Private Forest Act, 1949 and does not come under Elephant Corridor.

11. The District Forest Officer in his specific recommendation has stated that the applicant requested 25 acres of land in Old Survey.No.168 Part and 33. The New Survey No is 228/1 as per available records in the Forest and Revenue Department. The Government Order directs to transfer 25 acres of land in Survey No.228/1 in Udhagamandalam Rural Village. The survey No.228/1 comprises of 272.36 acres as per Forest Department records. It was transferred to Hindustan Photo Films Manufacturing Company Limited as per G.O.Ms.No.5210, Industry Labour and Co-operation Department, dated 28.08.1961. During inspection of the proposed land on 19.11.2019, it is observed that there is no spontaneous growth having value from the point of endemism and Biodiversity. The site is an eucalyptus plantation, it does not appear to be a core habitat of any resident Wildlife population worthy of particular mention. However, as the proposed land is contiguous to Reserve Forest, Wildlife movement is said to occur in the area. A thorough compound wall of above ten feet height shall be constructed all along the Medical college campus to avoid Man-animal conflicts in future. No commercial entities like hotels, shops, petty venders, restaurants shall be allowed around the campus. Solid waste disposal, drainage system should be towards non-forest land. The Reserve Forest adjacent to proposed site should not be polluted by any means at any cost. The Ooty-Gudalur highway

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shall remain the main access road to the proposed site, whereas the old Pykara road passing through the Reserve Forest will not be allowed for vehicle movement. The main entrance and the building front side to be designed facing East directions that is towards Ooty-Gudalur National Highway side. The college building rear side shall face towards the Reserve Forests. Such design will reduce the public interface with the forest and the Wildlife movement will not be disturbed. The chances of Man-animal conflicts would be minimum. If complied with the above, there is no objection from Forest and Wildlife perspective and the project is recommended in the interest of the people of Nilgiris District and the tourists as well.

12. The Additional Principal Chief Conservator of Forests, Coimbatore Circle in his recommendation has stated that, considering that the proposed area has been under the occupation and utilization of the Hindustan Photo Films Manufacturing Company Limited, presently a sick unit, diversion of the area for establishment of the Medical College is unlikely to have any significantly adverse impact on the flora and fauna of the area. There is no objection of the proposal from forest and wildlife point of view. Hence the proposal is recommended.

13. The Principal Chief Conservator of Forests has stated that in G.O.(Ms) No.372, Revenue and Disaster Management (LD.4(1)) Department, dated 11.10.2019, orders were issued for formation of Government Medical College at an extent of 25.00 Acres of land in S. No. 228/1 (Old Survey No. 34, 36, 42 and A(165) in Udagamandalam Rural village and Taluk in the Nilgiris District. The proposed land Survey No. 228/1 consist of 186.22 acres of Reserved Forests named Wenlockdowns Reserved Forests only. The above said land was transferred to the Hindustan Photo Films Manufacturing Company Limited at free of cost subject to certain conditions vide G.O. (Ms) No. 5210 (Ind) Industries and Cooperation Department, dated 28.08.1961. In G.O.(Ms) No.5210, (Ind) Industries Labour and Co-operation Department, dated 28.08.1961, an extent of 272.36 acres of forest land of Udagamandalam Rural village and Hulathi village in Udagamandalam Taluk has been transferred to Hindustan Photo Films Manufacturing Company at free of cost with certain conditions, particularly point No. 4 which mentioned that, "If and when the lands or any portion of them are not required for the purpose for which they have been transferred, they shall revert to the State Forest Department." There is no disreservation of Reserved Forests done in the areas allotted to the Hindustan Photo Films Manufacturing Company Ltd. and the legal status of the land remains as Reserved Forests. At present 303.30 Acres of forest lands are under the possession of Hindustan Photo Films Manufacturing Company Limited. Hindustan Photo Films Manufacturing Company (HPF) Ltd. (A Government of India enterprises) is a sick unit and stopped operation now. However, the area are yet to be handed over back to Forest Department. In the areas under the lease of HPF Ltd., a portion of area has been requested by the Health and Family Welfare Department for establishment of Government College of Nilgiris District. The District Collector, Nilgiris District in his letter No. R.C U1/4781/2002, dated 08.11.2019 has informed that as per the condition laid down in G.O. Ms No. 5210 (Ind) Industries Labour and Co-operation Department, dated 28.08.1961, the lands in Survey No. 228/1 of Udagamandalam Rural village are deemed to be reverted to the Forest Department from the year 2013 and NOC is not required from the authorities of the Hindustan Photo Films to resume back the land.

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14. The Principal Chief Conservator of Forests has further stated that the User Agency has requested forest area diversion for a period of 100 years. The District Forest Officer, Nilgiris Division has not specified the period of diversion. However, the Additional Principal Chief Conservator of Forests, Coimbatore Circle has recommended the forest area diversion for a period of 25 Years. Based on the recommendations made by the Additional Principal Chief Conservator of Forests, the Principal Chief Conservator of Forests has recommended the forest area diversion for the project proposal for a period of 25 (Twenty five) years, subject to the following additional conditions:-

- a) The legal status of the diverted forest land remains unchanged.
- b) The demarcation of the proposed 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 at their cost.
- c) The outer boundary of the proposed forest land shall be demarcated by construction of compound wall of above ten feet height all along the Medical college campus to avoid Man-animal conflicts by the user agency at their cost.
- d) Following specific conditions be imposed for the betterment of protection of flora and fauna in the area : No commercial entities like hotels, shops, petty venders, restaurants shall be allowed around the campus. Solid waste disposal; drainage system should be towards non-forest land. The Reserve Forest adjacent to proposed site should not be polluted by any means at any cost. The Ooty-Gudalur highway shall remain the main access road to the proposed site, whereas the old Pykara road passing through the Reserve Forest will not be allowed for vehicle movement. The main entrance and the building front side to be designed facing East directions that is towards Ooty-Gudalur National Highway side. The college building rear side shall face towards the Reserve Forests, such design will reduce the public interface with the forest and the Wildlife movement will not be disturbed.
- e) The User Agency has to fence, mutate and transfer double the extent of non-forest land identified in S. No. 46/1 of O'Valley village in Gudalur Taluk of Nilgiris District to the Forest Department.
- f) The User Agency has to pay the cost of Raising Compensatory Afforestation / Maintenance of plantation, protection of plantation etc., as fixed by the Forest Department and willingness to deposit additional amounts if any suggested as amended owing to the change in planting technique, enhancement in the FSR etc., demanded subsequently.
- g) The User Agency has to pay the amount of Net Present Value which will be fixed as per the guidelines of Hon'ble Supreme Court of India.
- h) The User Agency has to bear the additional amount of 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.

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i) The User Agency has to pay the cost towards annual lease rent as fixed by the Forest Department at the time of sanction along with any escalation for the forest land to be diverted for the above project in future for the entire project period.

j) The total forest area utilized for the project shall not exceeds 10.12 ha.

k) Period of lease can be twenty five (25) years. The User Agency has to apply renewal proposal before one year of expiry of lease with the State Forest Department.

15. The proposal is recommended by the Additional Principal Chief Conservator of Forests (Forest Conservation Act) / Nodal Officer, Forest (Conservation) Act, 1980 of the State of Tamil Nadu. The Principal Chief Conservator of Forests has, therefore, requested to consider the proposal and to obtain Government of India's approval for diversion of 10.12 ha. of forest land in Wenlockdown Reserved Forests area in Nilgiris Forest Division for establishment of Government Medical College, Udagamandalam, Nilgiris District in the forest areas allotted to Hindustan Photo Films Company Limited in favour of Joint Director of Health Services, Government Head Quarters Hospital Campus, Ooty, The Nilgiris District for a period of 25 years.

16. The Government after careful examination have decided to accept and forward the proposal of the Principal Chief Conservator of Forests for diversion of 10.12 ha. of forest land in Wenlockdown Reserved Forests area in Nilgiris Forest Division for a period of 25 years for establishment of Government Medical College, Udagamandalam, The Nilgiris District in favour of Joint Director of Health Services, Government Head Quarters Hospital Campus, Ooty, The Nilgiris District, subject to the conditions specified at para 14 above. I am, therefore to request you to kindly obtain the concurrence of the Government of India, Ministry of Environment, Forests and Climate Change for this proposal and communicate the same to this Government, early.

Yours faithfully,

G. R. Sundell
17/12/19

for Principal Secretary to Government

2/3
17/12/19

Copy to:

- ✓ The Principal Chief Conservator of Forests (HoD),
Chennai-15.
The Joint Director of Health Services,
Government Head Quarters Hospital Campus,
Jail hill Road,
Ooty, The Nilgiris District-643 001.

PART - V

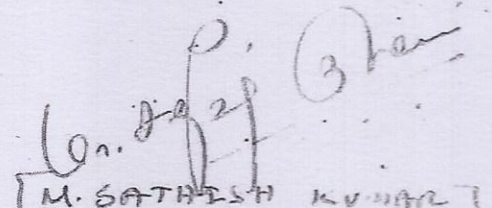
(To be filled in by the Secretary in charge of Forest Department or by any other authorized officer of the State Government not below the rank of an Under Secretary)

Proposal for for diversion of 10.12 ha. of forest land in Wenlockdown Reserved Forests area in Nilgiris Forest Division for a period of 25 years for establishment of Government Medical College, Udagamandalam, Nilgiris District in favour of Joint Director of Health Services, Government Head Quarters Hospital Campus, Ooty, The Nilgiris District under Section 2 of Forest (Conservation) Act, 1980.

18. Recommendation of the State Government

(Adverse comments made by any officer or authority in Part-B or Part - C or Part - D above should be specifically commented upon)

- Recommended -


[M. SATHISH KUMAR]
Signature

Name & Designation
(Official Seal)

Date : 17.12.2019

Place : Chennai-9.