



## ABSTRACT

Forests – Forest (Conservation) Act, 1980 – Trichy Forest Division – Diversion of 0.17 ha. of forest land in Ayyampalayam Reserved Forest for Combined Water Supply Scheme (CWSS) to 293 Habitations in Musiri Thathayangarpettai, Thuraiyur and Uppliyapuram in Trichy District in favour of Executive Engineer, Tamil Nadu Water Supply and Drainage Board, Urban Division, RWS Division, Trichy – Under section 2 of Forest (Conservation) Act, 1980 – Orders – Issued.

### Environment and Forests (FR.10) Department

G.O.(MS) No.106

Dated : 11.10.2019

விகாரி, புரட்டாசி 24,  
திருவள்ளூர் ஆண்டு 2050

#### Read :

1. From the Principal Chief Conservator of Forests Letter No.TS4/20156/2016, dated 15.05.2017, 15.02.2018, 08.03.2018 and 10.04.2018.
2. Government Letter No.9446/FR.10/2017-5, dated 24.04.2018.
3. From the Conservator of Forests (Central), Government of India, Ministry of Environment and Forests, Regional Office (South Eastern Zone), Chennai Letter No.4-TNB021/2018-CHN/0790, dated 23.5.2018.
4. From the Principal Chief Conservator of Forests Letter No.TS4/20156/2016, dated 26.10.2018 and 27.12.2018.
5. Government Letter No.9446/FR.10/2017-10, dated 01.03.2019.
6. From the Conservator of Forests (Central), Government of India, Ministry of Environment and Forests, Regional Office (South Eastern Zone), Chennai Letter No.4-TNB021/2018-CHN/0868, dated 23.5.2019.

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#### ORDER:

The Principal Chief Conservator of Forests in his letter first read above has furnished a proposal under Section 2 of Forest (Conservation) Act, 1980 for diversion of 0.17 ha. of forest land in Ayyampalayam Reserved Forest for Combined Water Supply Scheme (CWSS) to 293 Habitations in Musiri Thathayangarpettai, Thuraiyur and Uppliyapuram in Trichy District in favour of Executive Engineer, Tamil Nadu Water Supply and Drainage Board, Urban Division, RWS Division, Trichy, subject to certain conditions.

2. Though the diversion for forest land is below one hectare, the above said proposal has been forwarded to Government of India, Ministry of Environment, Forests and Climate Change in the Government Letter second read above for



obtaining their concurrence, since the following violation of Forest (Conservation) Act, 1980 have been committed by the User Agency in this case:-

"300 number of EH saplings planted during 2015 by the Regional Manager TAFCON, Pudukottai had been enumerated during the course of processing of proposal. However these trees were removed by the User Agency before getting approval under Forest (Conservation) Act 1980, and also layed foundation for piles upto ground level".

3. The Government of India, Ministry of Environment, Forests and Climate Change, Chennai-34 in their letter third read above has informed that:-

- i. The State Government may consider the proposal under General approval category and may issue clearance as appropriate subject to the general conditions applicable to such projects;
- ii. The State Government shall impose and collect the penalty as per the provisions described in Ministry's guideline dated 21.01.2018, section 3(B) subsections (i), (ii), (iii) & (iv) and collect penal levies from the User Agency along with 12 % simple interest, etc. and submit an action taken report in compliance;
- iii. Also, the State Government shall ensure updating the online application regarding number of trees involved in the proposal and details regarding work in violation of Forest (Conservation) Act, 1980.

The Government of India has further stated that the State Government shall ensure that no such violation shall take place in the future and shall send a communication in this regard to all the Government agencies.

4. In this regard, the Principal Chief Conservator of Forests in the letter fourth read above has stated that based on condition imposed by the Government of India vide letter dated 23.5.2018, as per sub section (i) and (ii) of section 3(B) of Guidelines, a sum of Rs.2,38,382/- (Rs.1,06,420/- towards Net Present Value, Rs.25,542/- towards interest and Rs.1,06,420 towards penalty) has been recovered from the User Agency and this amount has been deposited by the User Agency through RTGS/NEFT to SB A/c.344902010105 433 of Tamil Nadu CAMPA account maintained in Union Bank of India, Sundar Nagar, New Delhi -110003.

5. He has further stated that as per sub section (iii) of section 3(B), since the forest land of Ayyampalayam Reserved Forest is leased out to Tamil Nadu Plantation Corporation Limited (TAFCON, Trichy) instruction had been given by the District Forest Officer, Trichy division to the TAFCON Management to take disciplinary action against the staff responsible for not being able to prevent use of forest land for non-forestry purpose without the prior approval of Government of India.

6. He has further stated that as per sub section (iv) of section 3(B), the user Agency responsible for violation shall be prosecuted under local Act of the State for unauthorized use of forest land without the permission of State Authority. The District Forest Officer, Trichy Division has reported that, a notice had been issued to the Executive Engineer, TWAD Board, Urban Division, Trichy for the violation and the



Executive Officer has sent his explanation in Ir No F 293 CWSS/JDO, 2018, dated 14.03.2018

7. The Principal Chief Conservator of Forests has further stated that, the User Agency has reported that violation has been occurred in-view of considering the acute water scare situation and the water supply improvement scheme has to be completed earlier to overcome the drought. The water supply improvement scheme is being executed as per schedule to fulfill the drinking water need of the public programmed for completion by June 2018. Action under Tamil Nadu Forest Act, 1882 has been taken against the User Agency and Rs.4.00 lakhs has been collected from them. He has informed that the User Agency has updated the details of number of trees involved in the proposal and details regarding work in violation of Forest (Conservation) Act 1980 in part II of Form A through online.

8. As per the instructions issued by the Government of India vide their letter dated 23.05.2018, necessary instructions have been issued to all the Government agencies to ensure that no such violation shall take place in future, vide Government Letter No.1247 / FR.10 / 2017-9, Dated: 27.11.2018.

9. In the meanwhile since the General Approval of Government of India under Forest (Conservation) Act 1980 issued vide letter No.F.No.11-9/98-Forest (Conservation), Government of India, Ministry of Environment, Forest dated 13.02.2014 which was valid for a period of five years ending 31.12.2018 is over, the above said proposal was again forwarded to Government of India, Ministry of Environment, Forests and Climate Change for obtaining their concurrence, with the compliance of condition imposed by the Government of India letter dated 23.5.2018 vide Government letter fifth read above.

10. The Government of India, MOEF&CC, Regional Office, Chennai-34 in their letter sixth read above has informed that the subject proposal was already examined by the Regional Empowered Committee (REC), RO Chennai in view of violation involved and recommended to issue clearance by the State Government under General approval category. Hence the State Government may consider the proposal and may issue in-principle (Stage-I) approval under General approval category as per the provisions made in new hand book of guidelines under FCA 1980 released on 8.3.2019 by the MOEF&CC, New Delhi.

11. The Government after careful examination, accord approval to the proposal of the Principal Chief Conservator of Forests for diversion of 0.17 ha. of forest land in Ayyampalayam Reserved Forest for Combined Water Supply Scheme (CWSS) to 293 Habitations in Musiri Thathayangarpettai, Thuraiyur and Uppliyapuram in Trichy District in favour of Executive Engineer, Tamil Nadu Water Supply and Drainage Board, RWS Division, Trichy, under section 2 of Forest (Conservation) Act, 1980, under general approval category as per the provision made in the new hand book of guidelines under FCA 1980, for Critical development initiatives for public, subject to the following conditions:-

- i. The legal status of the land shall remain unchanged and shall remain as Reserved Forests.



- ii. Felling of trees of spontaneous origin shall not be carried out. User Agency shall furnish an undertaking to this effect.
- iii. 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.
- iv. 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.
- v. The fund from the User Agency forwards Compensatory Afforestation and NPV under this project shall be deposited either in SB A/C No.1025227-CAF, Tamil Nadu, Corporation Bank, CGO Complex, Lodhi Road, New Delhi 110 003 (RTGS/IFSC No. CORP 0000371) in SB Account No. 344902010105433 - Tamil Nadu CAMPA, Union Bank of India, Sundar Nagar, New Delhi - 110 003 (RTGS/IFSC No. UBI No.534498) The details of deposition of funds including inter-alia the DD Nos. and date, amount, the Bank on which drawn and the date of deposition in the designated Bank shall also be furnished. The User Agency shall generate chalan from the Ministry's online web portal to deposit the amount towards Compensatory levies.
- vi. 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.
- vii. The forest land shall not be used for any other purpose other than that specified in the proposal.
- viii. The lease rent should be realized from the User Agency as per G.O.Ms.No.272, E&F (FR.XIII) Department, dated 15.04.1991.
- ix. The User Agency / TWAD Board, Trichy should issue constructive order on free supply of water to the Forest Department buildings in the locality near by the project area.
- x. The District Forest Officer may impose any other condition in the interest of conservation/protection land development of forests.
- xi. The total area utilize for the project shall not exceed 0.17 ha.
- xii. The User Agency has to furnish an undertaking to pay the annual lease rent for the proposed forest land for diversion.
- xiii. Monthly report by the Nodal Officer (Forest Conservation) shall be submitted to the concerned Regional Office by 5<sup>th</sup> of every month.
- xiv. The User Agency shall plant and maintain ten times the number of trees felled on the diverted land to maintain the green cover at the project cost. Planting site for the purpose will be identified by the State Forest Department (preferably in the surrounding area of the project). Indigenous forest tree species shall be used for such plantations.

12. The Principal Chief Conservator of Forests is further requested to incorporate any other suitable conditions which are necessary for the above said



conversion of forest land. The Principal Chief Conservator of Forests is also requested to take action accordingly and to send a report to Government in due course.

(BY ORDER OF THE GOVERNOR)

SHAMBHU KALLOLIKAR,  
PRINCIPAL SECRETARY TO GOVERNMENT.

To  
The Principal Chief Conservator of Forests (HoD),  
Chennai-15.  
The Assistant Inspector General of Forest (C),  
Government of India,  
Ministry of Environment, Forests and Climate Change,  
Regional Office (South Eastern Zone),  
No.1<sup>st</sup> & 2<sup>nd</sup> Floor,  
HEPC Building, Cathedral Garden Road,  
Nungambakkam, Chennai-34.

The Inspector General of Forests,  
Government of India,  
Ministry of Environment and Forests,  
Paryavaran Bhawan, CGO Complex,  
Lodhi Road, New Delhi - 110 003.

**Copy to:-**

The District Collector,  
Tiruchirappalli.

The Additional Principal Chief Conservator of Forests  
(Forest Conservation Act), Chennai-15.

The Conservator of Forests,  
Tiruchirappalli Circle,  
J.K. Nagar, Tiruchirappalli-23.

The District Forest Officer,  
Tiruchirappalli Forest Division,  
Court Campus, Tiruchirappalli-1.

The Executive Engineer,  
Tamil Nadu Water Supply and Drainage (TWAD) Board,  
RWS Division, Trichy.

The Municipal Administration & Water Supplies Department,  
Chennai-9.

✓SF/SC

// Forwarded By order //

*[Signature]*  
Under Secretary  
*11/11/19*



