



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

Letter No.16671/FR.10/2019 - 4, Dated: 07.09.2020

From
Dr. Sandeep Saxena, I.A.S.,
Additional Chief 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 – 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 the Administrative
Officer, Indian Institute of Astrophysics, Bangalore - Regarding.

Ref: From the Principal Chief Conservator of Forests, letter
No.TS3/38628/2018, dated 23.09.2019 and 29.07.2020..

In the reference cited, the Principal Chief Conservator of Forests has stated that the Administrative Officer, Indian Institute of Astrophysics, Block II, Koramangala, Bangalore- 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.

2. The Principal Chief Conservator of Forests (HoD) has further stated that, 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 a period of 27 years from 05.09.1985 to 04.09.2012. 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. 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 requires 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. Based on the above, the user agency has applied renewal of lease for the lease hold area under the control of user agency. Out of 100 Acres of forest land under the possession of the user agency, the Institute is using upto 10.00 acres of forest land only for non-forestry purpose and rest of the forest land maintained as forest.

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

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.

3. The Principal Chief Conservator of Forests (HoD) has also 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. 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.

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.

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

- i) 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) 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.

5. The District Forest Officer, Thirupathur has inspected the area proposed for diversion of 40.00 ha. of land for renewal of lease for Vainu Bappu Observatory, Indian Institute of Astrophysics, Kavalur on 12.07.2019 and 20.07.2019 and he has stated that 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 conducive environment for astronomical research and to avoid any kind of disturbance to the observatory.

6. Further he has stated that 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 has given its recommendation. Based on the said recommendation the Hon'ble Supreme Court of India issued directions in I.A. No. 3894-3896/2015 in W.P Civil No.202/1995. Based on the said direction of the Hon'ble Supreme Court of India the Government of India in letter F.No.7-79/2017-FC, dated 14.08.2018 has ordered the following.

- i. 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 Net Present Value may be chargeable on 10.00 Acres of forest land, Net Present Value 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 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 requires 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.

7. The District Forest Officer, Tirupathur has further stated 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.

8. The Additional Principal Chief Conservator of Forests, Vellore Circle has inspected the area on 05.08.2019 and he has endorsed the views presented by the District Forest Officer and recommended the proposal for renewal of lease under Forest Conservation Act.

9. The Principal Chief Conservator of Forests has also stated that 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 Net Present Value may be chargeable on 10.00 Acres of forest land, Net Present Value 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, Net Present Value 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.

10. On further clarification vide Government letter dated 24.10.2019, the Principal Chief Conservator of Forests (HoFF) has informed that the District Forest Officer, Tirupathur Division has requested the User Agency to furnish forest clearance proposal for the renewal of lease from 5.9.2012 with required certificates / undertakings for processing the forest clearance proposal. Since the User Agency has remitted part of the amount towards Net Present Value of the diverted forest land, furnishing of undertaking for making payment towards NPV by the User Agency is a must. Subsequently from 15.8.2014 onwards, all forest clearance proposals have been accepted by the Government of India through online mode only. Hence the User Agency had been informed to upload the renewal proposal in the designated web portal of www.forestclearance.nic.in.

However, based on the direction issued by the Government of India in letter F.No.7-79/2017-FC, dated 14.8.2018, the User Agency has uploaded the forest clearance proposal in the web portal on 22.01.2019 only. After getting the proposal corrected by the User Agency on 27.03.2019 and 25.04.2019 and on receipt of hard copies from the User Agency, the proposal was forwarded to the District Forest Officer on 8.7.2019 for processing the forest clearance proposal. The District Forest Officer forwarded the proposal to the Additional Principal Chief Conservator of Forests, Vellore circle on 31.07.2019 and the Circle head forwarded the proposal to the Nodal Officer on 6.8.2019. Due to late submission of renewal proposal by the User Agency there is delay occurred for renewal of lease.

11. Further, the Principal Chief Conservator of Forests has stated that the Forest clearance renewal proposal has been recommended for a period of 20 years from 05.09.2012 upto 04.09.2032. The User Agency has obtained orders in G.O.(Ms).No.676, Forest and Fisheries Department, dated 24.08.2004 for the renewal of lease for a period of 5.9.1985 to 4.9.2012. Thereafter, the user agency has not furnished renewal proposal to the usage of forest area from 5.9.2012. After obtaining orders on relaxation of payment towards Net Present Value on 14.8.2018 from the Government of India, the user agency has applied forest clearance renewal proposal on 22.01.2019. Forest Advisory Committee in its meeting on 22.03.2018 has recommended the decision of Committee on Net Present Value exemption requested by the User Agency and the Government of India, Ministry of Environment, Forest and

Climate Change in its letter dated 14.8.2018 has communicated the acceptance of the recommendation of the Forest Advisory Committee. After this communication only, the User Agency has submitted online application for renewal of lease for the usage of forest area. Due to the filing of application for getting exemption of Net Present Value, the user agency has not furnished the renewal proposal in time.

12. The Principal Chief Conservator of Forests (Head of Department) has recommended the 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 the Administrative Officer, Indian Institute of Astrophysics, Bangalore under Section 2 of Forest (Conservation) Act, 1980 for a period of 20 years i.e, from 5.9.2012 upto 4.9.2032 subject to 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 exceeds 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, Net Present Value 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 Net Present Value if any due to the user agency.
- viii. The User Agency has to apply renewal proposal before one year of expiry of lease with the State Forest Department.

13. The Government after careful examination have decided to accept the proposal of the Principal Chief Conservator of Forests 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 the Administrative Officer, Indian Institute of Astrophysics, Bangalore under Section 2 of Forest (Conservation) Act, 1980 for a period of 20 years i.e, from 5.9.2012 upto 4.9.2032 and to forward the same to Government of India for concurrence.

14. I am, therefore to request you to kindly obtain the concurrence of the Government of India, Ministry of Environment, Forests and Climate Change and communicate the same to this Government, early.

Yours faithfully,


for Additional Chief Secretary to Government.


8/9/2020

Copy to:

✓ The Principal Chief Conservator of
Forests (Head of Forest Force), Chennai-15.
The Administrative Officer,
Indian Institute of Astrophysics,
Block II, Koramangala,
Bangalore-560034.

PART – V

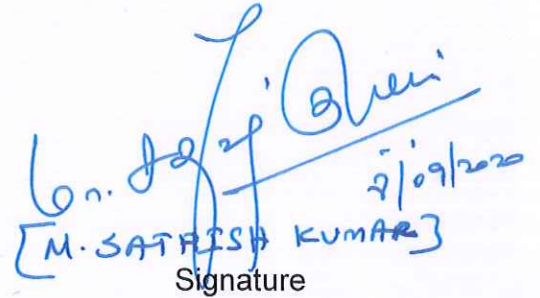
(To be filled in by the Secretary in charge of Forest Department or by any other authorized officer of the State Government not below the rank of an Under Secretary)

Proposal for 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 for a period of 20 years (from 5.9.2012 upto 4.9.2032) in favour of the Administrative Officer, Indian Institute of Astrophysics, Bangalore 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 : 08.09.2020

Place : Chennai-9.

Under Secretary to Government.
Environment and Forests Department
Secretariat, Chennai-9

