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### ABSTRACT

Forests – Trichy District – Trichy Forest Division – Diversion of 0.16 ha. of forest land in Ayyampalayam Reserved Forest for construction of footbridge to provide Cauvery drinking water under Water Supply Improvement Scheme to Musiri Town Panchayat in Trichy District in favour of Executive Engineer, Tamil Nadu Water Supply and Drainage Board, Urban Division, Trichy Circle – under section 2 of Forest (Conservation) Act, 1980 – Orders – Issued.

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

G.O.(MS) No. 153

Dated : 11.12.2018

விளம்பி, கார்த்திகை 25,  
திருவள்ளூர் ஆண்டு 2049

Read :

1. From the Principal Chief Conservator of Forests Letter No.TS4/20155/2016, dated 09.01.2017,
2. From the Principal Chief Conservator of Forests Letter No.TS4/20155/2016, dated 15.02.2018, 08.03.2018 and 10.04.2018.
3. Government Letter No.1247/FR.10/2017-6, dated 24.04.2018.
4. From the Conservator of Forests (Central), Government of India, Ministry of Environment and Forests, Regional Office (South Eastern Zone), Chennai Letter No.4-TNB020/2018-CHN/0791, dated 23.5.2018.
5. From the Principal Chief Conservator of Forests Letter No.TS4/20155/2016, dated 26.10.2018.
6. Government Letter No.1247/FR.10/2017-9, dated 27.11.2018.

### 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 0.16 ha. of forest land in Ayyampalayam Reserved Forest of Trichy Forest Division for construction of footbridge for taking pipeline from collection well to the service Reservoirs to provide Cauvery drinking water under Water Supply Improvement Scheme to Musiri Town Panchayat in Trichy District in favour of the Executive Engineer, Tamil Nadu Water Supply and Drainage Board, Urban Division, Trichy Circle, subject to certain conditions.

2. On further clarifications, the Principal Chief Conservator of Forests in his letter second read above has stated that while taking up inspection of the proposed site on 13.02.2018 with the Chief Conservator of Forests, Trichy, it was ascertained that 85 numbers of EH plants/trees were removed by the User Agency. Further the User



Agency has commenced the work in the field without getting any approval under Forest (Conservation) Act, 1980 and foot bridge has already been constructed and in 2 places clearing was done up to a width of 30 metres and temporary sheds were established. In this regard, action has been initiated against the violation of Forest (Conservation) Act, 1980 by the District Forest Officer against the User Agency. He has further stated that the standing growth of 85 EH saplings of 2006 plantation was already numbered and value assessed by the Regional Manager, Tamil Nadu Forest Plantation Corporation Limited, Pudukkottai for the project area, since the area was leased out to Tamil Nadu Forest Plantation Corporation Limited, Trichy. The Conservator of Forests, Trichy has reported that instructions have been issued to the District Forest Officer, Trichy to issue notice to the Tamil Nadu Water Supply and Drainage Board for the violations under Forest (Conservation) Act, 1980 and Tamil Nadu Forest Act. Further, the District Forest Officer has been advised to fix responsibility on the field staff for the violations take place in the field.

3. The Principal Chief Conservator of Forests has further stated that, in this case, felling of 85 numbers of trees is involved, As per Government of India's letter dated 03.01.2005, felling of trees is permitted upto 50 nos. per ha., whereas the forest area diversion is proposed for 0.16 ha only. Even though this proposal may be treated as a special case of social need and basic infrastructure for providing drinking water supply to Musiri Town Panchayat, Trichy, felling of trees in the proposed Reserve Forests without approval is violation of Forest (Conservation) Act, 1980.

4. The Principal Chief Conservator of Forests has further reported as follows:-

- i. Violation of Forest (Conservation) Act, 1980 has taken place involving the User Agency, namely Tamil Nadu Water Supply and Drainage Board staff. Without prejudice to disciplinary action against the staff concerned in as much as part of work has taken place on the area applied for diversion and also this is a drinking water project, a lenient view may be taken by the Government and further action has been taken as per Guidelines of Ministry of Environment, Forests & Climate Change vide their letter No.11-42/2017-FC, dated 29.01.2018 which provides for regularization by imposing penalty on the User Agency. In this case, for diversion of 0.16 ha. in Ayyampalayam Reserve Forests classified as open forest eco class 3, the penal Net Present Value works out to Rs.1,00,160/- as per the guidelines referred to.
- ii. The Managing Director, Tamil Nadu Forest Plantation Corporation Limited has been requested to take appropriate disciplinary action against the concerned staff for negligence, as this area is presently under their control on lease.
- iii. The action as per Tamil Nadu Forest Act, 1882 has been taken against the User Agency and Rs.2.00 lakhs collected from them.
- iv. As to felling of trees in the area, the Chief Conservator of Forests, Trichy has reported that only Eucalyptus coppice shoots have been felled by the User Agency and has expressed his regret for earlier wrong report by him.

5. The Principal Chief Conservator of Forests has, therefore, requested the Government to approve the proposal for diversion of forest land for drinking water supply scheme as per the guidelines issued under general approval by the Government



of India vide their letter F.No.11-9/98-FC dated 13.02.2014, under Forest (Conservation) Act, 1980.

6. Even though the State Government have the powers under Forest (Conservation) Act, 1980 to approve the above proposal, the proposal has been forwarded to Government of India, Ministry of Environment, Forests and Climate Change vide Government letter third read above for obtaining their concurrence, since certain violations of Forest (Conservation) Act, 1980 have been committed by the User Agency.

7. The Government of India, Ministry of Environment, Forests and Climate Change in their letter fourth read above have stated that the proposal has been considered by the Regional Empowered Committee (REC) in its 27<sup>th</sup> meeting held on 25.04.2018 and the Committee has recommended the proposal for clearance under Forest (Conservation) Act, 1980 and informed the following:-

- 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.

8. 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. Accordingly, necessary instructions have been issued to all the Government agencies to ensure that no such violation shall take place in future, vide Government letter sixth read above.

9. The Principal Chief Conservator of Forests has in his letter fifth read above has informed that the District Forest Officer, Trichy Division has calculated the amount recovered from the User Agency for the said violation is Rs.2,24,360/- (Rs.1,00,160/- towards Net Present Value, Rs.24,040/- towards interest and Rs.1,00,160/- towards penalty) and the amount has been deposited by the User Agency. He has further stated that since the forest land involved in this proposal is leased out to Tamil Nadu Forest Plantation Corporation Limited necessary instructions had been given by the District Forest Officer, Trichy Division to the Tamil Nadu Forest Plantation Corporation Limited 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. Further, the User Agency responsible for the said violation shall be prosecuted under local Act of the State for unauthorized use of forest land without the permission of State Authority. Hence, a notice had been issued by the District Forest Officer, Trichy Division to the Executive Engineer, Tamil Nadu Water Supply and



Drainage Board, Urban Division, Trichy for the violation and the Executive officer has sent his explanation that violation has been occurred in-view of considering the acute water scare situation, the water supply improvement scheme has to be completed earlier to overcome the drought and the water supply improvement scheme is being executed as per schedule to fulfill the drinking water need of the public programmed for completion by March, 2018. The Principal Chief Conservator of Forests has further reported that action has been taken already under Tamil Nadu Forest Act, 1882 against the User Agency and Rs.2.00 lakhs has been collected from them. Further, the District Forest Officer has updated the details regarding the number of trees involved in the proposal and details regarding work in violation of Forest (Conservation) Act, 1980 in Part-II of Form-A.

10. The Government after careful examination, accord approval to the proposal of the Principal Chief Conservator of Forests for diversion of 0.16 ha. of forest land in Ayyampalayam Reserved Forest to provide Cauvery drinking water under Water Supply Improvement Scheme to Musiri Town Panchayat of Trichy district in favour of Executive Engineer, Tamil Nadu Water Supply and Drainage Board, Urban Division, Trichy Circle, under section 2 of Forest (Conservation) Act, 1980, as per the guidelines issued under general approval by the Government of India in their letter F.No.11-9/98-FC, dated 3.1.2005 and 13.02.2014, subject to the following conditions: -

- 1) The legal status of the land shall remain unchanged and shall remain as Reserved Forests.
- 2) The User Agency shall plant and maintain two 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 within or in the surrounding area of the project). Only indigenous forest trees species shall be used for such plantations.
- 3) The total area utilized for the project shall not exceed 0.16 ha.
- 4) Felling of trees of spontaneous origin shall not be carried out. User Agency shall furnish an undertaking to this effect.
- 5) 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.
- 6) The User Agency shall pay the Net present value of the diverted forest area at the rates stipulated by the Ministry of Environment and Forests from time to time, as per the orders of the Hon'ble Supreme Court dated 28.03.2008 and 09.05.2008 in IA Nos 826 in 566 with related I.A.s in Writ Petition (Civil) No.202/1995.
- 7) 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 this effect.
- 8) The fund from the User Agency forwards Compensatory Afforestation and Net Present Value under this project shall be deposited either in SB A/c No.1025227-CAF, TamilNadu, 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 Demand Draft 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.

- 9) The User Agency shall be responsible for any loss to Flora and Fauna in the surroundings of the proposed land and shall take all possible measures to conserve the same.
- 10) The forest land shall not be used for any other purpose other than that specified in the proposal.
- 11) The lease rent should be realized from the User Agency as per G.O.Ms.No.272, Environment and Forests (FR.10) Department, (FR.XIII) Dept., dated 15.04.1991.
- 12) The User Agency has to furnish an undertaking to pay the annual lease rent for the proposed forest land for diversion.
- 13) The User Agency / Tamil Nadu Water Supply and Drainage Board, Trichy should issue constructive order on free supply of water to the Forest Department buildings in the locality near by the project area.
- 14) The District Forest Officer may impose any other conditions in the interest of conservation / protection and development of forests.

11. The Principal Chief Conservator of Forests is further requested to incorporate any other suitable conditions which are necessary for the above said diversion 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 (Head of Department),  
Chennai-15.  
The Additional Principal Chief Conservator of Forests (Central),  
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,  
Trichirappalli Forest Division,  
Court Campus, Tiruchirappalli-1..

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

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

// Forwarded By order //

S. Mohamed Yusuf  
Section Officer 14/12/2018  
14/12/18