

C.No.TS3/43555/2021

Office of the Principal Chief Conservator
of Forests (Head of Forest Force),
Forest Head Quarters Buildings, Guindy-
Velachery Main Road, Guindy, Chennai-32.

Dated: 03.01.2023.

Sub Forest (Conservation) Act, 1980 – Online forest clearance proposal for diversion of 4.85 ha of forest land in Nellithurai RF of Coimbatore Forest Division for improvement of 230 kv Substation into 400 kv Substation at Parali in Coimbatore District – Proposal forwarded to the Government – Clarification and additional details called for - Regarding.

- Ref
- 1 Online forest clearance proposal uploaded by the Superintending Engineer, GCC, Transmission Line Construction (TANTRANSCO), Coimbatore-12 - Proposal No. FP/IN/ Substation/149440/2021, dated 19.11.2021 and resubmission of proposal on 01.04.2022 and 25.05.2022
 - 2 Part-II of Form-A uploaded by the District Forest Officer, Coimbatore Forest Division on 01.07.2022 and resubmission of proposal on 11.08.2022 and 21.09.2022
 - 3 Part-III of Form-A uploaded by the Conservator of Forests and Field Director, Anamalai Tiger Reserve, Coimbatore on 06.07.2022 and resubmission of proposal on 22.08.2022 and 23.09.2022
 - 4 Principal Chief Conservator of Forests ref. No. TS3/43555/2021, dated 17.11.2022
 - 5 Government letter No. 18747/FR.10/2022-1, dated 20.12.2022

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Attention of the Conservator of Forests and Field Director is invited to the references cited.

A copy of Government letter is enclosed herewith and requested to furnish the details called for therein immediately.

In G.O. Ms No. 2974, Agriculture Department, dated 21.10.1967, the Government have directed that the forest land measuring in all (6200 acres in Nilgiris and Coimbatore District) be placed at the disposal of the MSE Board (Madras State Electricity Board) for the execution of III and IV Stages of Kundah Hydro Electric Project.

However, the District Forest Officer, Coimbatore Division in his site inspection has stated that this area was already leased out to Tamil Nadu Electricity Board prior to 1961.

The District Forest Officer may be informed to report the details of Hydro Electric Project in which the present Parali Substation area lies and to mention the exact period from which the above said forest land has been leased out to Tamil Nadu Electricity Board along with copy of the relevant Government orders.

Since there is no exemption provisions has been made under the Forest (Conservation) Act 1980 for non-submission of certificate from the District Collector about completion of process for settlement of rights under Forest Rights Act 2006 on the forest land proposed for diversion, the user agency may be informed to obtain and upload the certificate in the format prescribed by the Government of India in F. No.11-9/98-FC (Pt), dated 05.07.2013 (Hand book of Forest Conservation Act 1980 published during March 2019) and furnish the same in original so as to furnish the same to the Government.

Since the user agency has reported that, delay of this forest clearance issue may lead loss to Government Revenue, report on the additional/clarification details called for by the Government may be furnished immediately.

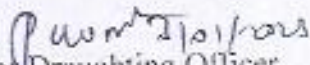
Encl : As stated above.

Sd/- V. Karunapriya,
For Principal Chief Conservator of Forests
(Head of Forest Force)

To
The Conservator of Forests and Field Director, Anamalai Tiger Reserve, Coimbatore.
Copy to the District Forest Officer, Coimbatore Forest Division, Coimbatore for necessary action.

Copy to the Superintending Engineer, GCC, Transmission Line Construction (TANTRANSCO), No. 182, Dr. Subbarayan Road, Tatabad, Coimbatore 641012.
(User Agency)

/ True copy / By order /


Senior Draughting Officer.

By E-mail



ENVIRONMENT, CLIMATE CHANGE
& FOREST (FR.10) DEPARTMENT,
SECRETARIAT, CHENNAI 9.

Letter No.18747/FR.10/2022- 1, dated 20.12.2022

From
Thiru.T.Ritto Cyriac, I.F.S.,
Special Secretary (Forests).

To
✓ The Principal Chief Conservator of Forests
(Head of Forest Force),
Chennai-32.

Sir,

Sub: Forest (Conservation) Act, 1980 – Proposal (FP/TN/Substation/
149440/2021) for diversion of 4.85 ha of forest land in Pillur Slope
Reserved Forests of Coimbatore Forest Division for improvement
of 230 KV Substation into 400 KV Substation at Parali in
Coimbatore District in favour of the Superintending Engineer,
General Construction Circle, Tamil Nadu Transmission
Corporation Limited (TANTRANSCO), Coimbatore - Clarification -
Requested - Regarding.

Ref: From the Principal Chief Conservator of Forests, letter
No.TS3/43555/2021, dated 17.11.2022.

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I am directed to invite your attention the reference cited, wherein it has been stated that as per the site inspection report of District Forest Officer, Coimbatore, the proposed project site area was already leased out to Tamil Nadu Electricity Board prior to 1961. However, it is stated that in G.O.(Ms).No.2974, Agriculture Department, dated 21.10.1967, the Government have directed that the forest land measuring in all (6200 acres in Nilgiris and Coimbatore District) be placed at the disposal of the MSE Board (Madras State Electricity Board) for the execution of III and IV Stages of Kundah Hydro Electric Project. I am, therefore, to request you to mention the exact period from which the above said forest land has been leased out to Tamil Nadu Electricity Board (TNEB), along with a copy of Government order.

2. Further, it has been mentioned in your proposal that an amount of Rs.97,76,00,405/- towards payment of lease rent is pending from Tamil Nadu Electricity Board. In this regard, I am directed to request you to state the action taken for collection of pending lease rent from Tamil Nadu Electricity Board and if not collected, state the reasons for non-collection of this huge amount of pending lease rent.

3. Further, it has also been mentioned that, as per the report of User Agency, the proposed site is under possession of Tamil Nadu Electricity Board from 1965, the certificate on settlement of rights may be considered as not applicable. In this

connection, I am to request you to clarify the reason for the non-submission of Forest Rights Act (FRA) Certificate obtained from the concerned District Collector for the subject proposal, since the proposal for diversion of forest land is to be considered now, under the provisions of Forest (Conservation) Act, 1980, under which the said certificate is mandatory.

Yours faithfully,

H. Nagala
21/12/2022

for Special Secretary (Forests).

DE
21/12/2022



E. No. 11-9/98-1C (pt.)
Government of India
Ministry of Environment & Forests
(FC Division)

30913

Paryavaran Bhawan
CGO Complex, Lodhi Road
New Delhi 110001
Dated: 5th July, 2013

To,
The Principal Secretary (Forests),
All State/ Union Territory Governments

Sub: Diversion of forest land for non forest purposes under the Forest (Conservation) Act, 1980 - ensuring compliance of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.

Sir,
I am directed to refer to this Ministry's letters of even number dated 3rd August 2009 and dated 5th February 2013 on the above mentioned subject wherein this Ministry issued detailed guidelines on submission of evidences for having initiated and completed the process of settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, and to say that certificate in accordance with the said letters in respect of (a) linear, and (b) other projects shall be submitted in the formats enclosed as Annexure-I (FORM-I) and Annexure-II (FORM-II) respectively.

Encl: As above.

Yours faithfully,

(H.C. Chaudhary)
Assistant Inspector General of Forests

Copy To:

1. The Secretary, Ministry of Tribal Affairs, New Delhi.
2. Principal Chief Conservator of Forests, all State/UT Governments.
3. Nodal Officer, the Forest (Conservation) Act, 1980, all State/UT Governments.
4. All Regional Offices, Ministry of Environment & Forests.
5. Joint Secretary in-charge, Impact Assessment Division, MoEF.
6. All Assistant Inspector General of Forests/ Directors in Forest Conservation Division, MoEF.
7. Director R.O. (HQ), Ministry of Environment & Forests, New Delhi.
8. Sr. Director (Technical), NIC, MoEF with a request to place a copy of the letter on website of this Ministry.
9. Guard File.

No : 30913 / 20.13 TS4 - 10/9/13

(H.C. Chaudhary)
Assistant Inspector General of Forests

Copy communicated to all CFS & FDP,
all CFS & all DFOS for information and n/a.

~~Copy sent to the file.~~

A/I F/w guidelines

APCCF

FORM-II
(for projects other than linear projects)
 Government of
 Office of the District Collector

Dated

No

TO WHOMSOEVER IT MAY CONCERN

In compliance of the Ministry of Environment and Forests (MoEF), Government of India's letter No. 11-9/98-FC (pt.) dated 3rd August 2009 wherein the MoEF issued guidelines on submission of evidences for having initiated and completed the process of settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 ('FRA', for short) on the forest land proposed to be diverted for non-forest purposes, it is certified that hectares of forest land proposed to be diverted in favour of (name of user agency) for (purpose for diversion of forest land) in district falls within jurisdiction of village(s) in tehsils.

It is further certified that:

- (a) the complete process for identification and settlement of rights under the FRA has been carried out for the entire hectares of forest land proposed for diversion. A copy of records of all consultation and meetings of the Forest Rights Committee(s), Gram Sabha(s), Sub-Division Level Committee(s) and the District Level Committee are enclosed as annexure ... to annexure
- (b) the proposal for such diversion (with full details of the project and its implications, in vernacular/ local language) have been placed before each concerned Gram Sabha of forest-dwellers, who are eligible under the FRA;
- (c) the each of concerned Gram Sabha(s), has certified that all formalities/ processes under the FRA have been carried out, and that they have given their consent to the proposed diversion and the compensation and ameliorative measures, if any, having understood the purpose and details of proposed diversion. A copy of certificate issued by the gram sabha of villages(s) is enclosed as annexure ... to annexure
- (d) the discussion and decisions on such proposals had taken place only when there was a quorum of minimum 50 % of the members of Gram Sabha present;
- (e) the diversion of forest land for facilities managed by the Government as required under section 3 (2) of the FRA have been completed and the Grama Sabhas have given their consent to it;
- (f) the rights of Primitive Tribal Groups and Pre-Agricultural Communities, when applicable have been specifically safeguarded as per section 3 (1) (e) of the FRA.

Encl: As above.

Signature
 (Full name and official seal of the District Collector)

FORM-I

for linear projects

Government of

Office of the District Collector for

No.

Dated

To WHOSOEVER IT MAY CONCERN

In compliance of the Ministry of Environment and Forests (MoEF), Government of India's letter No. 11-9/98 FC (pt.) dated 3rd August 2009 wherein the MoEF issued guidelines on submission of evidences for having initiated and completed the process of settlement of rights under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 ('FRA', for short) on the forest land proposed to be diverted for non-forest purposes read with MoEF's letter dated 5th February 2013 wherein MoEF issued certain relaxation in respect of linear projects, it is certified that hectares of forest land proposed to be diverted in favour of (name of user agency) for (purpose for diversion of forest land) in district falls within jurisdiction of village(s) in tehsils

It is further certified that:

- (a) the complete process for identification and settlement of rights under the FRA has been carried out for the entire hectares of forest area proposed for diversion. A copy of records of all consultations and meetings of the Forest Rights Committee(s), Gram Sabha(s), Sub-Division Level Committee(s) and the District Level Committee are enclosed as annexure ... to annexure
- (b) the diversion of forest land for facilities managed by the Government as required under section 3 (2) of the FRA have been completed and the Gram Sabhas have given their consent to it.
- (c) the proposal does not involve recognised rights of Primitive Tribal Groups and Pre-agricultural communities.

Encl: As above.

Signature

(Full name and official seal of the District Collector)