

**MINUTES OF THE 6<sup>TH</sup> MEETING OF REGIONAL EMPOWERED COMMITTEE (REC) OF REGIONAL OFFICE (SOUTH EASTERN ZONE), MINISTRY OF ENVIRONMENT, FORESTS & CLIMATE CHANGE, CHENNAI CONDUCTED ON 09.06.2015 BY CIRCULATION AS PER PROVISIONS IN MINISTRY OF ENVIRONMENT, FORESTS & CLIMATE CHANGE (FOREST CONSERVATION DIVISION), NOTIFICATION DATED 10<sup>TH</sup> OCTOBER, 2014.**

In compliance of the order of the Honourable NGT, Chennai dated 05-06-2015 in application number 72 of 2015, the 6<sup>th</sup> meeting of the Regional Empowered Committee (REC) of Regional Office (South Eastern Zone), Ministry of Environment, Forests & Climate Change, Chennai was conducted by circulation by e-mail the Agenda papers of the proposal for diversion of 22.976 ha in Srivaikuntam Reserve Land situated in S.F.No.600 of Srivaikuntam Village for carrying out de-silting works in the water spread area, as per provisions provided in Ministry of Environment, Forests & Climate Change (Forest Conservation Division), Notification dated 10<sup>th</sup> October, 2014

Papers/documents/Maps pertaining to the above cited proposal were circulated to the following members/special invitees on 08.06.2015 through e-mail and requested to submit their comments to the proposal by e-mail by 02.30 p.m. on 09.06.2015.

1. Shri. AmarnathaShetty, I.F.S,  
Addl.PCCF (Central),  
Ministry of Environment, Forests & Climate Change  
Regional Office (SEZ), Chennai **... Chairperson**
2. Dr.K.Ganesh Kumar, I.F.S,  
Deputy Conservator of Forests (Central)  
Ministry of Environment, Forests & Climate Change  
Regional Office (SEZ), Chennai **... Member-Secretary**
3. Shri. K.JudeSekar, I.F.S  
Flat No. R-33, Arihant Heirloom Apartments,  
P.O. Thalambur, Off. OMR  
Chennai **...Member**
4. Dr.C.N. Rao, I.F.S  
9-10-3 Giddi Lane, Gandhi Nagar,  
Kakinada, East Godavari District, Andhra Pradesh **... Member**

5. ShriB.S.S.Reddy, I.F.S  
107, White House Apartments,Road No.13,  
Banjara Hills, Hyderabad

...Member

6. Shri. Asutosh Samant Singhar, I.FS  
APCCF /Nodal Officer,  
Government of Tamil Nadu

...Special Invitee

**Circular Agenda No.1**      **Proposal for diversion of 22.976 ha in Srivaikuntam Reserve Land situated in S.F.No.600 of Srivaikundam Village for carrying out desilting works in the water spread area of SrivaikundamAnicut**

The Regional Empowered Committee has noted the following facts of the proposal: -

**FACT SHEET**

1.	<b>Name of the Proposal</b>	Diversion of 22.976 ha in Srivaikuntam Reserve Land situated in S.F.No.600 of Srivaikundam Village for carrying out desilting works in the water spread
2.	Location :	
	(i) State	Tamil Nadu
	(ii) District	Thoothukudi
3.	<b>Particular of Forests</b>	
(i)	Name of Forest Division	Thoothukudi
(ii)	Area of Forest land for Diversion	22.976 ha.
(iii)	Legal Status of Forest land	Forest land as per Section 26 of Tamilnadu Forest Act.
(iv)	Density of Vegetation	<0.4
(v)	Species wise (scientific name) and diameter class-wise enumeration of trees to be enclosed.	DFO has Thoothukudi reported that no felling of standing trees involved during the process of de-silting of SrivaikundamAnicut.
4	Whether any protected archaeological/ heritage site/ defence establishment or any	DFO, Thoothukudi Division has reported that, no protected archeological /heritage site / defence establishment or any other important

	other important monument is located in the area. If so, the details thereof with NOC from competent authority, if required.	monuments is located.
5	Whether any work in violation of the Act has been carried out (Yes/ No). If yes, details of the same including period of work done, action taken on erring officials. Whether work in violation is still under progress.	No
6	Whether forms part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor etc. (if so, the details of the area the comments of the Chief Wildlife Warden to be annexed)	DFO, Thoothukudi Division has reported that the area proposed for diversion does not forms part of National Park, Wildlife Sanctuary, Biosphere reserve, Tiger Reserve, Elephant Corridor, Wildlife migration corridor etc.
7	Whether any rare/ endangered/ unique species of flora and fauna found in the area if so, details thereof.	DFO, Thoothukudi Division has reported that, no rare no rare/endangered unique species of flora & fauna are found in the area proposed for diversion.
8	<b>Recommendation</b>	
	DFO, Thoothukudi	Recommended
	CF, Tirunelveli Circle	Recommended
	Additional PCCF, Tamil Nadu	Recommended
	State Govt. of Tamil Nadu	Recommended

State Government of Tamil Nadu has forwarded the proposal for diversion of 22.976 ha in Srivaikuntam Reserve Land situated in S.F.No.600 of Srivaikundam Village for carrying out de-silting works in the water spread area and requested to convey approval of Government of India, Ministry of Environment, Forests & Climate Change, Under Section -2 of Forest (Conservation) Act, 1980.

In the State Government of Tamil Nadu letter No. 1237/FR.10/2012-13 dated 04.06.2015 it was reported as below:-

- 1 Earlier, a proposal for de-silting of SrivaikuntamAnicut over an area of 39 ha was forwarded to the Government of India vide Government letter dated 13.02.2012 and the same was placed in the State Level Advisory Group (SAG) meeting for discussion and the User Agency was advised to submit a comprehensive proposal including the reservoirs up-stream, their full capacity, current capacity, details of rainfall, water flow etc. for removal of silt for the purpose of increase in storage of water, to the Government of India, Ministry of Environment, Forests and Climate Change through the State Government. The Principal Chief Conservator of Forests has also been requested to instruct the user agency to submit a comprehensive proposal to the Government of India, Ministry of Environment, Forests and Climate Change, as advised by the State Level Advisory Group.
- 2 Instead, the District Collector, Thoothukudi has sent all relevant documents (i.e. Online application regarding forest permission in the SrivaikuntamAnicut and Comprehensive proposal for desilting work) in respect of forest clearance for desiltation of SrivaikuntamAnicut in S.F. NO.600 and 39.01 ha. of forest land directly to the Government of India, Ministry of Environment, Forests and Climate Change, Regional Office, Chennai. The District Collector and the User Agency were asked to route the proposal through the State Government.
- 3 In the meantime, an application has been filed by one Thiru.S.Joel against the Union of India, Ministry of Environment, Forests and Climate Change and others before the Hon'ble National Green Tribunal, Southern Zone at Chennai in Application No.72 of 2015 regarding the above matter. The matter finally came up for hearing before the National Green Tribunal, Southern Zone, Chennai and the Hon'ble NGT have issued the following orders on 28.05.2015:
  1. The State Government has to send the proposal to the MoEF&CC on or before 2<sup>nd</sup> June, 2015 and the proposal shall be only for de-silting in Srivaikundam Dam and not cutting any trees during the process.
  2. The MoEF shall immediately consider the proposal as a special case as the monsoon is fast approaching. Further once the monsoon sets in, the de-silting will be again a problem this year also. In view of this MoEF&CC shall pass orders expeditiously before 5<sup>th</sup> June 2015. The same shall be informed to the Vacation Bench of the National Green Tribunal in New Delhi on 5th June.

3. In the proposal now received on 4.6.2015 AN, the Principal Chief Conservator of Forests has stated that the District Forest Officer, Thoothukudi has reported that based on the orders of the National Green Tribunal, Southern Zone, Chennai, the Executive Engineer, PWD/WRO, Tirunelveli has prepared revised proposal for de-silting of Srivaikundam Anicut over an area of 22.976 ha. and due to the Server problem, this proposal could not be uploaded through online from 30.05.2015 onwards till date. He has sent the proposal received from the User Agency i.e, the Executive Engineer PWD, WRO, Thambraparani River Basin Division, Tirunelveli (User Agency) for carrying out de-silting works in Srivaikundam Anicut over an area of 22.976 ha. The User Agency has also furnished necessary undertaking/certificates.
4. The proposal has been recommended by the District Forest Officer, Thoothukudi, Conservator of forests, Tirunelveli Circle and the Additional Principal Chief Conservator of Forests, Forest (Conservation) Act.
5. The Principal Chief Conservator of Forests has observed as follows
  - 1) The Project site in question is river bed area and does not involve any felling of trees.
  - 2) The Extent involved in the project is 22.976 hectare in S. No. 600 of Srivaikundam Village notified under section 26 of Tamil Nadu Forest Act 1882 as Reserved land.
  - 3) The proposal is only for maintenance work in the existing anicut and hence it will not involve any diversion of forest area and therefore Compensatory Afforestation need not be insisted.
  - 4) The District Collector, Thoothukudi has furnished certificate for implementation of the project in the Reserved Land.
  - 5) As per guidelines issued under Forest (Conservation) Act 1980 in the light of Hon'ble Supreme Court of India, decisions as per letter No. 5-3/2007/FC Dated, 05.02.2009 of Government of India, full payment of NPV is exempted for collection boulders / silt from river beds in the Forest area provided;

- a) Area is outside National Park / Sanctuary.
  - b) No mining lease is approved / signed in respect of this area.
  - c) The works including the sale of boulders / silt are carried out departmentally or through Government undertaking or through the Economic Development Committee or joint Forest Management committee.
  - d) The activity is necessary for Conservation and protection of Forests and
  - e) The sale proceeds are used for Protection / Conservation of Forests.
6. The Principal Chief Conservator of Forests has recommended the proposal for carrying out desilting works in the water spread area of the Srivaikundam Anaicut, Thoothukudi Division over an area of 22.976 ha. in Srivaikuntam Reserve Land situated in S.F. NO.600 of Srivaikundam Village to Government for obtaining the concurrence of Government of India, Ministry of Environment, Forests and Climate Change, Chennai subject to the following conditions :
- a) No felling of standing trees should be done during execution of de-silting work.
  - b) The removed materials should not be dumped in the forest land.
  - c) During execution of work, removed slush, clay, sand, boulders etc., should be dumped in the nearby PWD Campus and other Government poramboke lands in the presence and supervision of the officials and staff of PWD, Revenue and Forest Department.
  - d) Revenue generated by the auction of the materials depending upon the classification should be credited in to the "CAMPA" head of account.
7. Hon'ble NGT, Principal Bench at Delhi in the order dated 05.06.2015 stated that taking note of the fact that the monsoon is likely to come to effect in a day or two, directed the MoEF and its Regional Office to take a decision positively by 10<sup>th</sup> June, 2015 failing which it will be open to the State

Government to proceed with de-silting activities anticipating the approval from MoEF as special case and out of necessity. MoEF shall convene a special meeting of the Regional Empowered Committee and pass appropriate order granting permission for de-silting and pass appropriate order granting permission for de-silting the dam with a condition that no tree shall be felled. In the event of such decision not taken before 10 the June, 2015 the State Government as stated above shall proceed with the same, however, with acaution that no tree shall be cut and the activity shall be reported before the tribunal.

8. This is a proposal for desilting of the reservoir and does not involve any new diversion of forest land. Though the REC does not agree with certain observations of the Hon'ble NGT including that the MoEF has delayed the approval, as can be seen from the facts of the case, the REC considered this as a special case, in view of the seasonal nature of desiltation. All the members of REC have concurred with the proposal and some had suggested certain conditions to be imposed. Accordingly, the decision of the REC is recorded as below.

**Recommendation of the REC:-** TheCommittee has recommended for granting of permission for de-silting the water spread areaof SrivaikundamAnicutin the Srivaikuntam Reserve land subject to strict compliance to the guidelines issued under Forest (Conservation) Act 1980 in the light of Hon'ble Supreme Court of India, decisions as per letter No. 5-3/2007/FC Dated, 05.02.2009with usual conditions and following additional conditions:-


1. The permission granted will be valid for a period of 12 months from the date of clearance issued by MoEF& CC or till the completion of desiltation work whichever is earlier.
2. No felling of standing trees should be done during execution of de-silting work.
3. The removed materials should not be dumped in the forest land and no new road will be formed for desiltation of the reservoir.

4. During execution of work, removed slush, clay, sand, boulders etc., shall be dumped in the nearby PWD Campus and other Government poramboke lands in the presence and supervision of the officials / staff of PWD, Revenue and Forest Department and no material excavated including the silt shall be stored or dumped in the forest area, even temporarily.
5. Revenue generated by the auction of the materials depending upon the classification shall be credited in to the Tamil Nadu CAMPA Account, within 3 (three) days of the realisation of the sale value.
6. The User Agency shall deposit a sum of Rs. 25/- Lakhs, with DFO, Thoothukudi as interest bearing security for ensuring prompt remittance of the sale proceeds to CAMPA account and compliance of the conditions of approval. The deposit must be made positively before commencement of the work. The amount will be released on completion of the work after adjusting for any liability in this regard.
7. In order to ensure compliance of the conditions stipulated, a Joint Committee of Revenue, Forest and PWD Departments may be constituted under the Chairmanship of the DFO, Thoothukudi which will over-see the collection and transparent disposal of the material excavated and compliance of all conditions of approval. **Resolution copy of the Constitution of the committee shall be furnished to the Regional Office, MoEF&CC, Chennai before commencement of the desilting work.**
8. The Forest Department will prepare treatment plan for catchment area of the reservoir, for utilizing the sale proceeds of the material from the de-silting of the reservoir. Plan should be got approved by the Regional Empowered Committee (REC), Regional Office, MoEF& CC, Chennai before its implementation.
9. The DFO concerned will submit monthly progress report on the activities undertaken to the Regional Office of MoEF& CC, Chennai by the 10<sup>th</sup> of every month.



10. User Agency shall ensure that no damage is caused to the forest and wildlife of the area and shall submit an undertaking that it shall abide by all conditions of clearances and the forest and wildlife Act and rules governing the forests.


(Shri. K. Jude Sekar)  
Member

  
(Shri. Amarnatha Shetty)  
Addl. PCCF (Central) & Chairperson

(Shri B.S.S.Reddy)  
Member

(Dr.C.N. Rao)  
Member

(Shri. Asutosh Samant Singhar)  
APCCF / Nodal Officer  
Special invitee, TN Govt

  
(Dr.K.Ganesh Kumar)  
Deputy Conservator of Forests (Central)