

**Sub:- Diversion of 60.40 ha Zudpi Jungle land of 42 villages in Saoner taluka, dist. Nagpur under Category II [Zudpi Jungle Under encroachments (excluding commercial purpose) prior to 12/12/1996 using simplified procedure] in consolidated form under Forest Conservation Act, 1980 in accordance with the procedure prescribed as per Government of India, Ministry of Environment & Forest's letter No. 8-33/2001-FC Dt. 04.03.2014.**

State Govt. of Maharashtra vide their letter no. FLD-2017/CR-393/F-10 dated 17.11.2017 submitted the above subject proposal in accordance with the procedure prescribed as per Government of India, Ministry of Environment & Forest's letter No. 8-33/2001-FC Dt. 04.03.2014.

2. The proposal has been scrutinized with reference to the required documentation as enlisted in point B of Annexure-I to the Govt. of India's letter dated 04.03.2014 (F/X). The details are as under:

<b>S. No.</b>	<b>Documents required as per guidelines dated 04.03.2014 for simplified procedure</b>	<b>Compliance</b>
<b>1.</b>	A copy of the Record of Rights	In this regard it is reported that a copy of the Record of Rights is attached and the same may kindly be seen at <b>pg. 280-467/c</b>
<b>2.</b>	Map indicating boundary and adjoining land use in suitable scale. Geo-referenced boundary in shape file has also to be provided.	<u>In this regard it is reported that the map indicating boundary and adjoining land use in suitable scale is not attached. However, geo-referenced (Digital GPS Map) boundary in shape file has submitted by the User Agency (pg. 72-74/c).</u>
<b>3.</b>	Simplified Form A Part I to V (under Rule6) seeking approval under Section 2 of the Forest (Conservation) Act, 1980.	Form A containing part I, II, III, IV u/s 6 of the Forest (Conservation) Rules, 2003 is given with the proposal and the same may kindly be seen at <b>pg. 28-40/c.</b>
<b>4.</b>	<b>Site Inspection Reports :-</b>	
<b>a.</b>	Joint Site inspection certificate from Circle Officer and Forester along with sample Joint Site Inspection Report of at least 5% Zudupi Jungle area in each Taluka by Tahsildar and Range Forest Officer.	Joint Site Inspection Reports (JSIR – II) of the proposal has been carried out by Tehsildar, Tahsil Saoner and Range Forest Officers, Khapa and Kalmeshwar for 5 % of the total Gut No. of the proposed for diversion and their reports are placed in file at page no. <b>162-163/c.</b> <b>The area involves</b> for two villages as below: <b>i.</b> Village - Rampuri, Taluka Saoner, Dist. Nagpur Area – 1.62 ha.). <b>ii.</b> Village – Chatrapur, Taluka Saoner, Dist. Nagpur (Area – 0.96 ha.).

		<b>It is reported in SIR that 60.40 ha of zudpi jungle area involved for this taluka. No specific remark is given in SIR.</b>
<b>b.</b>	Proposals involving area upto 40 ha shall be accompanied with a site inspection report of randomly selected sample areas from the Dy. Conservator of Forest along with the Joint Site Inspection report	-
<b>c.</b>	Proposals involving area more than 40 ha shall be accompanied with a sample site inspection report randomly selected sample areas from the Conservator of Forest along with the Joint Site Inspection Report.	As per documents furnished, the SIR has not been done by CF. However, the SIR done by CCF has been attached with the proposal.
<b>5.</b>	Gram Sabha Resolution and Collector Certificate under FRA-2006	The certificate of collector under the Scheduled Tribes and other traditional Forest Dwellers (Recognition of Forest rights) Act, 2006 are attached with the copies of Gram Sabha / Ward Committee Resolutions are given and placed in file at <b><u>Pg. 63-68/c and pg. 164-279/c.</u></b> <b>The Gram Sabha resolutions have not been signed by any one member of Gram Sabha. Moreover, verified translated copies of the gram shabha resolutions are not given.</b>
<b>6.</b>	Demarcation certificate and others documents as per check list (Simplified proforma is enclosed at Annexure II)	In this regard it is reported that <b>demarcation certificate is not attached.</b>

3. Facts related to the proposal as contained in Form A is summarized in the form of a factsheet:

#### **FACT SHEET**

<b>1.</b>	Name of the Proposal	Diversion of 60.40 ha Zudpi Jungle land of 42 villages in Saoner taluka, dist. Nagpur under Category II [Zudpi Jungle Under encroachments (excluding commercial purpose) prior to 12/12/1996 using simplified procedure]n in consolidated form under Forest Conservation Act, 1980 in accordance with the procedure prescribed as per Government of India, Ministry of Environment & Forest's letter No. 8-33/2001-FC Dt. 04.03.2014
<b>2.</b>	Location (i) State (ii) District	Maharashtra Nagpur

3.	<p>Particulars of Forests:</p> <p>(i) Name of Forest Division and Forest area involved.</p> <p>(ii) Legal status/Sy.No.</p> <p>(iii) Map</p>	<p>Nagpur Forest Division 60.40 ha. Zudpi Jungle land (Revenue deptt.).</p> <p>Yes : <b>pg.72-74/c.</b></p>
4.	Topography of the area	-
5.	<p>(i) brief note on vulnerability</p> <p>(ii) Density of vegetation</p> <p>(iii) No. of trees to be felled</p>	<p>The forest land involved in the project is not sensitive to erosion. Hence, there is no possibility of any erosion. 0.1</p> <p>690 nos are enumerated.</p>
6.	Species-wise (scientific names and diameter class-wise enumeration of trees (to be enclosed. In case of irrigation / hydel Projects enumeration at FRL, & FRL-4 meter also to be enclosed	The tree species present in the proposal area are classified into miscellaneous species and accordingly diameter class wise enumeration data is provided. The tree enumeration certificate is given and placed in file at <b>pg.45-48/c.</b> A total no. of 690 are enumerated.
7.	Whether forms part of National park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor, etc. (if so, details of the area and comments of the Chief Wildlife Warden	It does not form any part of national Park, wildlife sanctuary, Biosphere reserve, elephant corridor etc.
8.	Whether any RET species of flora and fauna are found in the area. If so details thereof .	No rare species flora and fauna found in the area.
9.	Approximate distance of the proposed site for diversion from boundary of forest.	8 Km. approx.
10.	Whether any protected archaeological/ heritage site/defence establishment or any other important monuments is located in the area.	Necessary certificate is given at pg. 53/c
11.	Whether any work of in violation of the Forest (Conservation) Act, 1980 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 in progress.	The proposed area falls under Category-II. Encroachment (excluding commercial purpose) prior to 12.12.1996 using simplified procedure under FCA 1980. As per this category there is no Violation of FCA 1980 found.
12.	Whether the requirement of forest land as proposed by the user agency in col. 2 of Part-I is unavoidable and barest	The land proposed by user agency is unavoidable and barest minimum demand for the project. Necessary certificate is given.

	minimum for the project, if no recommended area item-wise with details of alternatives examined.	
13.	Whether clearance under the Environment (protection) Act, 1986 is required?	-
14.	The State Government shall complete settlement of rights, in terms of the Schedule Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 if any, on the forest land to be diverted in accordance with relevant Guidelines issued by the Ministry of Environment & Forests;	Compliance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has been submitted. The District Collector, Gondia, vide his certificate dated 08.08.2017 issued for an area of 60.40 ha has certified all clauses stipulated in the MoEF&CC's advisory dated 5.07.2013. Documentary evidence in support of settlement of rights viz (Pg. 63-68/c).The photocopies of the resolution of the Gram Sabha (s) of Mendipur and Kachewani villages have also been submitted and placed in file at pg. 164-279/c).The Gram Sabha resolutions have not been signed by any one member of Gram Sabha.
15.	<b>Compensatory Afforestation</b>	
	(i) Details of non-forest area/degraded forest area identified for CA, its distance from adjoining forest, number of patches, size of each patches.	<b>Not applicable as per guidelines of simplified procedure.</b>
	(ii) Map showing non-forest/degraded forest area identified for CA and adjoining Forest boundaries.	
	(iii) Detailed CA scheme including species to be planted, implementing agency, time schedule, cost structure, etc.	
	(iv) Total financial outlay for CA	
	(v) Certificate from the competent authority regarding suitability of the area identified for CA and from management point of view.	
16.	Catchment Area Treatment	Not Applicable
17.	Cost Benefit Ratio	-
18.	Total Cost of the Project	-
19.	Employment to be generated	-
20.	Recommendation	
	i. DFO	Yes (Pg. 29-32/c)
	SIR	
	ii. CCF with SIR	Yes(Pg. 34-36/c).

	<b>iii.</b> Nodal Officer/PCCF	<u>Recommended subject to condition as listed at pg. 37-39/c and 49/c including legal status will be revenue land and exemption of NPV.</u>
	<b>iv</b> State Government	Yes (Pg. 40/c)
<b>21.</b>	District Profile	
	(i) Total Geographical area of the district	993100 ha.
	(ii) Total Forest area/Divisional Forest area	240111.5 ha
	(iii) Total area diverted since 1980	4271.673 Ha /Total no. of cases-81
	(iv) Total CA stipulated since 1980 (Forest land)	
	(a) Forest land including penal CA	670.537 Ha
	(b) Non- forest land	2917.35 Ha.
	(v) Progress of CA made so far 31.03.2016	
	(a) Forest land including penal CA	670.537 Ha
	(b) Non forest land	2917.35 Ha

4. The details of Zudpi Jungle land of 42 villages in Saoner Taluka, Distt. Nagpur as proposed for diversion are as under :

S. N.	Village Name	Area in Ha.	Pg. No
1.	Aangewada	0.11	78-79/c
2.	Badegaon	0.52	80-81/c
3.	Bawangaon	0.25	82-83/c
4.	Bellori	1.36	84-85/c
5.	Bhagemahari	0.59	86-87/c
6.	Bhojapur	0.21	90-91/c
7.	Borujwada	4.14	88-89/c
8.	Chhatrapur	0.96	92-93/c
9.	Chorkhairi	3.61	94-95/c
10.	Dohanghat	3.01 ha	96-97/c
11.	Gadmi	0.17	98-99/c
12.	Gujarkhedi	6.00	100-101/c
13.	Gumgaon	2.65	102-103/c
14.	Heti(Surla)	0.72	104-105/c
15.	Hingna	2.83	106-107/c
16.	Jaitpur	0.70	108-109/c
17.	Joga	1.54	110-111/c
18.	Kelod	0.22	112-113/c
19.	Khursapar	5.30	114-115/c
20.	Kirnapur	4.13	116-117/c
21.	Maharkund	0.96	118-119/c
22.	Malegaon (Ta)	1.65	120-121/c
23.	Mangsa	0.64	122-123/c
24.	Nagalwadi	0.30	124-125/c
25.	Nandapur	0.03	126-127/c

26.	Narsala	0.40	128-129/c
27.	Pendhari	0.30	130-131/c
28.	Pohna	0.42	132-133/c
29.	Ramdonagri	0.61	134-135/c
30.	Rampuri	1.62	136-137/c
31.	Salai	1.06	138-139/c
32.	Saoner	1.25	140-141/c
33.	Sarra	0.92	142-143/c
34.	Sawali(Mo)	0.61	144-145/c
35.	Sawangi	0.99	146-147/c
36.	Swarmendha	2.43	148-149/c
37.	Sherdi	2.34	150-151/c
38.	Sonpur	0.18	152-153/c
39.	Umari (Bh)	0.04	154-155/c
40.	Umari (ja)	2.82	156-157/c
41.	Wagholi	0.83	158-159/c
42.	Wakoli	0.98	160-161/c

5. The Govt. of Maharashtra has requested Government of India for exemption of NPV Present value for the regularization of these lands in view of the pre-1980 stand & since they have been erroneously classified as forest these lands are under use of agriculture/non-forest/village/Government use etc. Hence need to be regularized included the status of forest also, needs to be withdrawn. The proposal has been **recommended** by APCCF & Nodal Officer vide his letter dated 31.10.2017 for approval under section-2 (ii) of FCA-1980 subject to the following conditions:-

- i. **Legal status of the land will be revenue land.**
- ii. The revenue land shall not be used for any purpose other than specified in the project.
- iii. **The user agency is exempted from paying NPV for the land to be diverted as per the latest orders in this regard.**
- iv. The user agency shall submit the Geo digital map in any suitable scale with geo-reference boundary & shape file prepared by using total stations or differential GPS and also indicating forest land, Non-forest land & adjoining land proposed or diversion in different colors duly signed by the DCF concern and user agency, as per the Government of India letter No. F. No. 11-09/1998-FC dt. 8/7/2011
- v. All other conditions as may be mandatory under relevant Acts, Rules and guidelines shall be complied with by the user agency.

6. The shape file as given has been analyzed by DSS cell of FC Division and their report may kindly be seen at **F/Y**. The observation in said report is as below:

- i. Proposed area for diversion of Zudpi forest land falls on Nagpur district of Maharashtra State.
- ii. Calculated area through software of proposed land for diversion is 57.95 ha. There is a discrepancy of **2.45 ha.** of area mentioned in proposal and area calculated through software.
- iii. As per the current proposal, 42 villages are involved on the land proposed for diversion but as per the submitted shapefiles, **41 unique ID's** have been found in the proposed area. **Out of 41 ID's, 18 ID's are situated within the 10KM radius of Pench Tiger Reserve, Maharashtra.**

7. **From the examination of the above, the following is concluded:**

- (i) The proposal is for diversion of 60.40 ha Zudpi Jungle land of 42 villages in Saoner taluka, dist. Nagpur under Category II under encroachments (excluding commercial purpose)

prior to 12/12/1996 using simplified procedure) in consolidated form under Forest Conservation Act, 1980 in accordance with the procedure prescribed as per Government of India, Ministry of Environment & Forest's letter No. 8-33/2001-FC dt. 04.03.2014 (F/X).

- (ii) The demarcation certificate is not given.
- (iii) Calculated area of proposed land for diversion is found to be 57.95 ha. as per DSS report. Thus, there is a discrepancy of **2.45 ha.** of area mentioned in proposal and area calculated through software. **41 unique ID's** have been found in the proposed area and **out of 41 ID's, 18 ID's are situated within the 10 KM radius of Pench Tiger Reserve, Maharashtra.**

8. It is also mentioned that the guidelines dated 04.03.2014 **was issued** for simplified procedure for submission of diversion proposal for Zudpi Jungle under Forest (Conservation) Act, 1980, subject to following conditions:

- a) The State Government will ensure the notification of 92,115 ha of Zudpi Jungle as RF/PF (16,309 ha already notified and 75,806 ha to be notified), which has been considered suitable for forestry management, development and conservation by the High Power Committee.
- b) The State Government shall submit a 10 years perspective plan for greening of the zudpi jungle land being notified to the Ministry of Environment & Forests which may also include compensatory afforestation to be taken against future diversions of the forest lands for State Government's purpose

**With regard to point (b) above, the State Govt. has not submitted the 10 years perspective plan for greening of the zudpi jungle land.**

9. **In addition to above,** the Ministry with the approval of competent authority communicating the certain recommendation of FAC on issue of Zudpi Jungle vide this Ministry's letter no. 8-33/2001-FC dated 18.12.2017 which includes that : *the judpi jungle under encroachment (27507 ha) and under non-forestry use (26672 ha) which has been put to non-forestry use without FC clearance before judgement dated 12.12.1996 by Hon'ble supreme Court in T.N. Godaverman may be considered for post facto approval under section 2(ii) of FC Act subject to mitigation measures and district wise comprehensive proposal, where zudpi jungle is recorded in the land record and the same has been put to non-forestry use before 12.12.1996 will be submitted providing the details of each piece of zudpi jungle land with names of owner of the land and its present land use duly certified by District collector and the respective Divisional Forest Officer of the concerned district along with the maps. If the present land use of the Zudpi jungle is still a forest having jungle jhar and tree growth, as certified by the DFO and revenue authority, the same piece of land will be retained and maintained as forest and developed as village or urban forest as the case may be.*

The State Govt. was requested vide this Ministry's letter no. F. No. 8-15/2017-FC dated 07.03.2018 (Pg. 468-469/c) to provide master list of the name of Person /Organisation in possession of Encroached Zudpi land alongwith area in each district duly certified by Collector and DFO of concerned forest division. The detail may please be submitted on following format:

**(a) For Encroached land (27,507 ha.)**

<b>S. No.</b>	<b>Name of Person/Organisation in possession of forest land</b>	<b>Area (in ha)</b>	<b>Sub-division</b>	<b>Forest Division</b>	<b>District</b>
	<b>Total :</b>				

**(b) For Zudpi Jungle under Non forestry use (26,672 ha)**

<b>S. No.</b>	<b>Name of Person/Organisation in possession of forest land</b>	<b>Area (in ha)</b>	<b>Sub-division</b>	<b>Forest Division</b>	<b>District</b>
	<b>Total :</b>				

**10.** The reply of above ministry's letter dated 07.03.2018 is awaited.

In view of above, the facts related to the above proposal may be placed before FAC in its forthcoming meeting scheduled to be held on 19.06.2018 for their examination and appropriate recommendation.

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