

F. No. 8-03/2018-FC
Government of India
Ministry of Environment, Forests and Climate Change
(FC Division)

Indira Paryavaran Bhawan,
Aliganj, Jor Bag Road,
New Delhi - 110003.

Dated: ^{7th Aug} July, 2018

To,

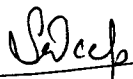
The Principal Secretary (Forests),
Government of Maharashtra,
Mumbai.

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.

Sir,

I am directed to refer to the State Government's Maharashtra vide their letter no. FLD-2017/CR-393/F-10 dated 17.11.2017 submitting the above subject proposal for seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980. The said proposal was placed before Forest Advisory Committee (FAC) in its meetings held on 19.06.2018. The detailed minutes of the FAC meeting held on 19.06.2018 are placed on the website of this Ministry: www.forestclearance.nic.in.

2. The FAC in its meeting held on 19.06.2018 thorough deliberation and discussion with the Nodal officer, Maharashtra, APCCF, Regional office, Nagpur and analysis of proposals on DSS, observed that a lot of ambiguity exist on the status of zudpi jungle land, particularly with respect to applicability of FC Act, 1980. State Government had been regularly contesting to simplify the procedural requirement for diversion of all such land. On the request of State government of Maharashtra, the guidelines on "simplified procedures for submission of cases pertaining to ZudpiLand" was issued by MoEF&CC on 04/03/2014. The compensatory levies for all such proposals of category I and II has already been exempted on the request of State Government by different administrative orders of Ministry. State Government is also requesting to keep the right of diverted Zudpi jungle land for future diversion with them and wish to change the status of land as revenue land. To simplify the existing procedural requirement beyond a particular limit as


7.8.18

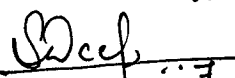
requested by the State Government will tantamount to the dilution of the spirit of Forest (Conservation) Act, 1980. These are the general conditions imposed in any forest land diversion proposals which upheld the spirit of Forest (Conservation) Act, 1980.

In this backdrop, FAC recommended that the State Government of Maharashtra may move an application to Hon'ble Supreme Court and seek permission to get area of Zudpi Jungle land under Category I and category II (As specified in simplified procedure dated 04/03/2014) out of the purview of definition of 'Forest'. The file shall be returned to State Government to do the needful.

3. In view of above, the instant proposal is hereby closed.

This issues with approval of competent authority.

Yours faithfully,


(Sandeep Sharma) 7.8.15

Assistant Inspector General of Forests (FC)

Copy to:

1. The Principal Chief Conservator of Forests, Government of Maharashtra, Nagpur.
2. The Nodal Officer, O/o the PCCF, Government of Maharashtra, Nagpur.
3. The Addl. PCCF (Central), Regional Office, Nagpur.
4. User Agency.
5. Monitoring Cell, FC Divisions, MoEF&CC.
6. Guard File.


(Sandeep Sharma) 7.8.15

Assistant Inspector General of Forests (FC)