

Sub:- Diversion of 104.90 ha Zudpi Jungle land of 32 villages in Nagpur City Taluka, Dist. Nagpur under Category II { 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-3416/CR-314/F-10 dated 1.10.2016 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. It was pointed out by the APCCF & Nodal Officer, Govt. of Maharashtra vide his letter no. Desk-17/NC/I/I.D./ 16-17/965 dated 25.08.2016 that the proposal scrutinized with reference to required documents as per Ministry's guidelines dated 04.03.2014 and the following documents were not attached with the proposal:

- (i) A copy of the Record of Rights is not given.
- (ii) The DGPS (geo-reference points) boundary and adjoin land use in suitable scale is not given. The shape file / KML file has also not been provided.
- (iii) The compliance on Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has not been given in accordance with the guidelines issued vide this Ministry's guidelines 03.08.2009 read with 05.07.2013.
- (iv) Demarcation certificate is not given.

2. Accordingly, the State Government of Maharashtra vide this Ministry's letter dated 08.02.2017 (pg. 510/c) was requested to provide the pending information. The Nodal Officer (FCA), Government of Maharashtra vide their letter No. Desk-17/NC/ RS-1/ID-12460/1666/17-18 dated 07.10.2017 (pg. 511-531/c) has submitted their reply. The information sought by MoEF&CC and reply thereof given by the State Government are as below:

S. No.	Points	Compliance
1.	A copy of the Record of Rights is not given.	In this regard, it is reported that 7/12 extracts i.e., Record of Rights has now been submitted by the User Agency and placed in file at Pg. 533-631/c.
2.	The DGPS (geo-reference points) boundary and adjoin land use in suitable scale is not given. The shape file / KML file has also not been provided.	The DGPS (geo-reference points) boundary and adjoin land use in suitable scale along with their shape file/KML files has now been uploaded on the website of MoEF&CC. The copy of the same is enclosed in CD's.
3.	The compliance on Scheduled Tribe and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 has not been given in accordance with the guidelines issued vide this Ministry's guidelines 03.08.2009 read with 05.07.2013.	The complete compliance of Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 issued by Collector, Nagpur prescribed format (Form-II) latest Guidelines dt. 05.07.2016 along with Ward Committees of Municipal Corporation & Sub-Divisional Committee in English translation copy is enclosed herewith. However, the FRA certificate does not seem to be enclosed with the compliance report.
4.	Demarcation certificate is not given.	In this regard, it is reported by the Nodal Officer (FCA), Govt. of Maharashtra that the user Agency has reported that the land is identified and demarcated.

3. 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 (Pg. 646-656/c). The details are as under:

S. No.	Documents required as per guidelines dated 04.03.2014 for simplified procedure	Compliance
1.	A copy of the Record of Rights	In this regard, it is reported that 7/12 extracts i.e., Record of Rights has been submitted by the User Agency and placed in file at Pg. 533-631/c
2.	Map indicating boundary and adjoining land use in suitable scale. Geo-referenced boundary in shape file has also to be provided.	In this regard it is reported that the DGPS (geo-reference points) boundary and adjoin land use in suitable scale along with their shape file/KML files has been uploaded on the website of MoEF&CC.
3.	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 pg. 17-31/c .
4.	Site Inspection Reports :-	
a.	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 Tahsildar and Range Forest Officer Seminary Hills Nagpur for 5 % of the forest land (Zudpi Jungle) proposed for diversion are given for the following area: 1. Village- Ambazari, Taluka & Dist. Nagpur (Area - 1.56 ha.). 2. Village-Bhandewadi, Taluka & Dist. Nagpur (Area-4.84ha.).
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	-
c.	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 been done by CCF and the same is available in file at Pg. 34-35/c .
5.	Gram Sabha Resolution and Collector Certificate under FRA-2006	The FRA certificate is given and placed in file at pg. 640-643/c . However, the gram sabha resolution is not given.
6.	Demarcation certificate and others documents as per check list (Simplified proforma is enclosed at Annexure II)	In this regard, it is mentioned by the Nodal Officer (FCA), Govt. of Maharashtra that the user Agency has reported that the land is identified and demarcated. (Pg. 511/c)

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

FACT SHEET

1.	Name of the Proposal	Diversion of 104.90 ha Zudpi Jungle land of 32 villages in Nagpur City Taluka, Dist. Nagpur under Category II { 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.
2.	Location (i) State (ii) District	Maharashtra Nagpur
3.	Particulars of Forests: (i) Name of Forest Division and Forest area involved. (ii) Legal status/Sy.No. (iii) Map	Nagpur Forest Division 104.90 ha. Zudpi Jungle land (Revenue deptt.). Yes : pg. pg. 49-51/c.
4.	Topography of the area	-
5.	(i) Brief note on vulnerability (ii) Density of vegetation (iii) No. of trees to be felled	The forest land involved in the project is not sensitive to erosion. Hence, there is no possibility of any erosion. 0.1 185 nos are enumerated.
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 attached and may kindly be seen at page no. 11/c.
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	No
8.	Whether any RET species of flora and fauna are found in the area. If so details thereof	No
9.	Approximate distance of the proposed site for diversion from boundary of forest.	5.5 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. No
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 purposes) prior to 12.12.1996 in consolidated form using simplified procedure under Forest (Conservation) Act, 1980 as per Govt. of India, MoEF (FC Division guidelines no. 8-33/2001-FC dated 04.03.2014. As per this category there is no violation of Forest (Conservation) Act 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 minimum for the project, if no recommended area item-wise with details of alternatives examined.	The land proposed by user agency is unavoidable and barest minimum demand for the project. Necessary certificate is given.
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;	The FRA certificate is given and placed in file at pg. 640-643/c. However, the gram sabha resolution is not given.
15.	Compensatory Afforestation	
	(i) Details of non-forest area/degraded forest area identified for CA, its distance from adjoining forest, number of patches, size of each patches.	Not applicable as per guidelines of simplified procedure.
	(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. 18-20/c)
	SIR	(pg. 32-33/c)
	ii. CCF with SIR	Recommended for acceptance (Pg. 21/c). SIR (34-35/c)
	iii. Nodal Officer/PCCF	Recommended subject to conditions (pg. 22-30/c) .
	iv State Government	Yes (Pg.31 /c)
21.	District Profile	
	(i) Total Geographical area of the district	993100 ha.
	(ii) Total Forest area/Divisional Forest area	146079.51 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 2917.35 Ha
	(b) Non forest land	

5. The details of Zudpi Jungle land of 32 villages in Saoner Taluka, Distt. Nagpur as proposed for diversion are as under :

Sl. No.	Name of village	Taluka	Area(ha.)	Page No.
1.	Ajani	Nagpur city	1.64	62-63/c
2.	Sonegaon	Nagpur city	1.22	64-65/c
3.	Somalwada	Nagpur city	1.33	66-67/c
4.	Khamla	Nagpur city	3.60	68-69/c
5.	Lendra	Nagpur city	2.78	70-71/c
6.	Chinchbhuvan	Nagpur city	0.56	72-74/c
7.	Jayatala	Nagpur city	9.05	74-76/c
8.	Taklisim	Nagpur city	0.83	77-78/c
9.	Ambazari	Nagpur city	7.26	79-80/c
10.	Parsodi	Nagpur city	0.17	81-82/c
11.	Wathoda	Nagpur city	1.05	83-84/c
12.	Sakkardara	Nagpur city	1.79	85-86/c
13.	Nara	Nagpur city	0.90	87-88/c
14.	Manewada	Nagpur city	0.81	89-90/c
15.	Binakhi	Nagpur city	0.65	91-92/c
16.	Bidipeth	Nagpur city	1.41	93-94/c

17.	Babulkheda	Nagpur city	0.14	95-96/c
18.	Paradi	Nagpur city	0.77	97-98/c
19.	Bhandewadi	Nagpur city	9.41	99-101/c
20.	Nari	Nagpur city	7.25	102-103/c
21.	Wanjara	Nagpur city	2.72	104-105/c
22.	Wanjari	Nagpur city	0.96	106-107/c
23.	Punapur	Nagpur city	1.44	108-109/c
24.	Borgaon	Nagpur city	1.23	110-111/c
25.	Dabha	Nagpur city	1.62	112-113/c
26.	Gorewada	Nagpur city	5.72	114-115/c
27.	Hazaripahad	Nagpur city	6.24	116-117/c
28.	Indora	Nagpur city	0.34	118-119/c
29.	Mankapur	Nagpur city	0.26	120-121/c
30.	Pandharabodi	Nagpur city	0.07	122-123/c
31.	Telangkhedi	Nagpur city	30.74	124-125/c
32.	Zingabai Takali	Nagpur city	0.94	126-127/c
	Grand Total		104.90	

6. The instant proposal has been **recommended by APCCF & Nodal Officer** vide his letter dated 25.08.2016 for approval under section-2 (ii) of FCA-1980 **subject to the following conditions:** -
- i. Legal status of the land will remain unchanged.
 - ii. The forest land shall not be used for any purpose other than specified in the project.
 - iii. The user agency **shall pay 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 for diversion in different colours duly signed by the Deputy Conservator of Forests concerned and User Agency, as per the Government of India letter No. F. No. 11-9/98-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.
7. Since the proposed area for diversion was more than 100 ha., accordingly, the Regional Office Nagpur vide this Ministry's letter dated 25.10.2017 (**pg. 635/c**) was requested to carry out SIR. But the Regional office vide their letter no. FC-Misc-118/RON/2017-NGP/3095 dated 28.12.2017 has informed that as per documentation required for such projects, specified under para 'B' of Annexure-I annexed to the simplified procedure issued by the MoEF&CC vide its letter no. 8-33/2017-FC dated 04.03.2014, site inspection of the area proposed for regularization of encroachment may not be needed in the instant case and in view of provision of the guidelines issued by the MoEF&CC, site inspection of the area was not undertaken by the Regional office Nagpur.
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.

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.

In view of above, the State Govt. was requested vide this Ministry's letter dated 07.03.2018 (Pg.673-674/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.)

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

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

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

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.
