

Proposal for diversion of 5.00 ha. forest land under Forest (Conservation) Act, 1980 for construction of Police Station Building and Residential Quarters for Police at Bhamragad, Taluka Bhamragad, Dist. Gadchiroli in the State of Maharashtra (FP/MH/OTHERS/2770/2017).

Specific Recommendations of Principal Chief Conservator of Forests,(Head of Forest Force), Maharashtra State with regards to acceptance or otherwise of the proposal supported by reasons

- 1) The Proposal for diversion of 5.00 ha. forest land under Forest (Conservation) Act, 1980 for construction of Police Station Building and Residential Quarters for Police at Bhamragad, Taluka Bhamragad, Dist. Gadchiroli in the State of Maharashtra. The details of the forest land proposed for diversion are as under :-

| Sr. No | Item work purpose | Name of Village | Compt.No. | Area (in Sqm.) | Legal Status |
|------------------------|-----------------------------------|-----------------|-----------|----------------|------------------|
| 1 | Administrative Building (G+1) | Bhamragad | 706 | 731.83 | Protected Forest |
| 2 | Police Staff Quarter (G+1) | | | 380.28 | |
| 3 | Mess Building | | | 82.207 | |
| 4 | Prefab Barrack (03 Nos.) | | | 108 | |
| 5 | Prefab Officer's Hostel (04 Nos.) | | | 39.556 | |
| 6 | Prefab Toilet Block (03 Nos) | | | 10.832 | |
| 7 | Bathroom Block (03 Nos) | | | 11.21 | |
| 8 | Morcha (G+1) (05 Nos) | | | 32.07 | |
| 9 | Compound Wall | | | 900.00 | |
| 10 | Parade Ground | | | 6300 | |
| 11 | Helipad | | | 6171 | |
| 12 | Play Ground | | | 4510 | |
| 13 | Road Area | | | 5478 | |
| 14 | Lawn | | | 183.6 | |
| 15 | Open Space | | | 25064.41 | |
| | | | | 50000.00 | |
| Total Forest Area (ha) | | | | 5.00 | |

- 2.00 The User Agency i.e. Superintendent of Gadchiroli has pointed out that in order to prevent naxal - activities and maintain law and order situations new Arm Out Post at Bhamragad, should be established at the earliest. Administrative building of Sub Police Station is

necessary for keeping Arms and communication, while residential quarters are essential for accommodation of police personnel. The Gadchiroli unit of Maharashtra Police has explored all other possible alternatives to find a suitable land required for construction of construction of Police Station Building and Residential Quarters for Police at Bhamragad, Taluka Bhamragad, Dist. Gadchiroli in the State of Maharashtra and the forest land required is the barest minimum.

- 3.00 The proposed forest land to be used by Police Department of Government of Maharashtra is for public interest.

4.00 The Deputy Conservator of Forests, Bhamragarh Forest Division, Allapalli has certified that:-

- 4.1 no suitable alternate land is available and the forest land required is minimum.
4.2 the area belongs to Eco-value class-III and having density is 0.6 to 0.7
4.3 there are 1162 trees of various species and girth in the area proposed for diversion. Girth class wise abstract is given as under:-

| Tree Girth in Cm. | | | | | | | Total |
|-------------------|-------------|--------|---------|---------|---------|-----------|-------|
| Below 60 cm | Above 60 cm | 91-105 | 106-120 | 121-135 | 136-150 | 151 above | |
| 381 | 781 | 0 | 0 | 0 | 0 | 0 | 1162 |

- 4.4 the area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc.
4.5 proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.
4.6 there is no violation of Forest (Conservation) Act 1980.
4.7 the proposed area for the project is beyond 10 km from the boundary of the protected area (Sanctuary and National Park).
4.8 The provision for General approval under Section 2 (ii) of Forest (Conservation) Act, 1980 have been dealt in Chapter 4.7 General Approval for diversion of forest land for approach road to road side establishment for private entrepreneurs in sub clause (xvi) this general approval under Forest (Conservation) Act, 1980 is valid for a period of one year ending 31.12.2019 and will be subject to review thereafter.
4.9 As per Chapter 2 of the Handbook under FCA, 1980 para 2.5 special provisions for CA for certain categories of project CA shall be raised and maintained at the cost of the user agency on degraded forest land twice of the forest land area diverted in the case of:
(g) constructions of link roads, small water works, minor irrigation works, school building, dispensaries, hospital, tiny rural industrial sheds of the Government or any other similar work excluding mining and encroachments cases, which directly benefit the people of the area in hill districts and in other districts having forest area exceeding 50 % of the total geographical area. Provided diversion of forest area does not exceed 20 ha.

4.10 In the instant case the proposed project area is less than 20 ha coming under Gadchiroli District having forest area exceeding 50% of the total geographical area. Therefore the Deputy Conservator of Forests, Gadchiroli Forest Division, Gadchiroli has proposed Compensatory afforestation over 10.00 ha degraded Reserve Forest land in Compartment No.51 of village Suryadongri, Range Pola and is suitable for afforestation and it is free from encroachment.

5.00 **The User Agency has submitted an undertaking that:-**

5.1 to defray the cost of compensatory afforestation.

5.2 to defray the cost of Net Present Value of the forest land proposed under diversion.

5.3 Government of India vide letter No.11-43/2013-FC, dt.3/12/2018 has issued guidelines regarding compliance of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Right) Act, 2006. As per these guidelines:-

'Accordingly, it is clarified that within the time period stipulated for compliance of Stage I condition, Deputy Commissioner shall complete the process of compliance of FRA (including forwarding its findings to be concerned CF), hence for the purpose of the MoEF & CC, as per the provisions under the Forest (Conservation) amendment rules, 2016 the compliance under FRA is not required for consideration of in-principle approval. This has to be furnished by the State Government for consideration of the proposal by the Ministry for final approval'.

Hence, the user agency has given an undertaking regarding the compliance under the Scheduled Tribes and Other Traditional forest Dwellers (Recognition of Forest Rights) Act, 2006 has been applied and is under process and shall be submitted before in-principle approval.

6.00 The Deputy Conservator of Forests, Bhamragarh Forest Division, Allapalli and Chief Conservator of Forests (T), Gadchiroli Circle have recommended the proposal for diversion of 5.00 ha. of forest land.

7.00 **In view of this, the proposal is recommended for approval under the section -2 (ii) of the Forest (Conservation) Act, 1980 subject to the following conditions: –**

7.1 The legal status of the forest land required will remain unchanged.

7.2 Compensatory Afforestation :-

Compensatory afforestation shall be taken up by the Forest Department over 10.00 ha degraded Reserve Forest land in Compartment No.51 of village Suryadongri, Range Pola at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided. The area shall be fenced with Chain link fence at the cost of User Agency.

7.3 The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if

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Hence, the user agency has given an undertaking regarding the compliance under the Scheduled Tribes and Other Traditional forest Dwellers (Recognition of Forest Rights) Act, 2006 has been applied and is under process and shall be submitted before in-principle approval.

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Compensatory afforestation shall be taken up by the Forest Department over 10.00 ha degraded Reserve Forest land in Compartment No.51 of village Suryadongri, Range Pola at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided. The area shall be fenced with Chain link fence at the cost of User Agency.

7.3 The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if

required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.

7.4 NPV:-

- a) The State Government shall charge the Net Present Value (NPV) for the 5.00 ha. forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No.566 in WP (C) No.202/1995 and as per the guidelines issued by the Ministry vide letters No.5-1/1998-FC (Pt.II), dated 18/09/2003 as well as letter No.5-2/2006-FC, dated 03/10/2006 and 5-3/2007-FC, dated 05/02/2009 in this regard.
 - b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.
- 7.5 User Agency shall restrict the felling of trees to minimum number in the diverted forest land and the trees shall be felled under the strict supervision of the State Forest Department and the cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
- 7.6 All the funds received from the user agency under the project shall be transferred/deposited to CAMPA fund only through e-portal (<http://parivesh.nic.in/>)
- 7.7 The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required.
- 7.8 The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector before Stage-II approval.
- 7.9 The layout plan of the proposal shall not be changed without prior approval of Central Government.
- 7.10 No labour camp shall be established on the forest land.
- 7.11 Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
- 7.12 The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Government of India.
- 7.13 No damage to the flora and fauna of the adjoining area shall be caused;

- 7.14 Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- 7.15 The User Agency in consultation with the State Government shall create and maintain alternate habitat/home for the avifauna whose nesting trees are to be cleared in this project. Bird's artificially made out of eco-friendly material shall be used in the area, including forest area human settlements, adjoining the forest area being diverted for the project.
- 7.16 The User Agency shall submit six monthly self-compliance reports on 1st January and 1st of every year to this office as well as to the Nodal Officer of the State;
- 7.17 The State Government shall monitor self-compliance of conditions of Forest Clearance and shall submit in this regard yearly report as on 31st December of every year.
- 7.18 Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guidelines F.No.11-42/2017-FC, dated 29/01/2018.
- 7.19 Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.
- 7.20 The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>)

(G.Saiprakash)
Principal Chief Conservator of Forests
(Head of Forest Force)
Maharashtra State, Nagpur

PART -IV

**(To be filled by Nodal Officer or Principal Chief Conservator of Forests
(Head of Forest Force))**

(Detailed opinion and specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks)

Sub.: Proposal for diversion of 5.00 ha. forest land under Forest (Conservation) Act, 1980 for construction of Police Station Building and Residential Quarters for Police at Bhamragad, Taluka Bhamragad, Dist. Gadchiroli in the State of Maharashtra (FP/MH/OTHERS/2770/2017). The details of land proposed for diversion is as under-

| Sr. No | Item work purpose | Name of Village | Compt.No. | Area (in Sqm.) | Legal Status |
|------------------------|-----------------------------------|-----------------|-----------|----------------|------------------|
| 1 | Administrative Building (G+1) | Bhamragad | 706 | 731.83 | Protected Forest |
| 2 | Police Staff Quarter (G+1) | | | 380.28 | |
| 3 | Mess Building | | | 82.207 | |
| 4 | Prefab Barrack (03 Nos.) | | | 108 | |
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| 6 | Prefab Toilet Block (03 Nos) | | | 10.832 | |
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| 8 | Morcha (G+1) (05 Nos) | | | 32.07 | |
| 9 | Compound Wall | | | 900.00 | |
| 10 | Parade Ground | | | 6300 | |
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| 13 | Road Area | | | 5478 | |
| 14 | Lawn | | | 183.6 | |
| 15 | Open Space | | | 25064.41 | |
| | | | | 50000.00 | |
| Total Forest Area (ha) | | | | 5.00 | |

Specific recommendation of Principal Chief Conservator of Forests (HoFF) Maharashtra State, Nagpur is attached on page no.

(Naresh Zurmure)

**Additional Principal Chief Conservator of Forests
& Nodal Officer**

Date: /10/2021

Place: Nagpur

OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS (HEAD OF FOREST FORCE),

MAHARASHTRA STATE, NAGPUR

ADDITIONAL PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND NODAL OFFICER, MAHARASHTRA STATE, NAGPUR,

First Floor, 'B' Wing, Van Bhavan, Civil Lines, Nagpur-440001.

Tel no. (0712) 2530166, 2556916, Fax no. (0712) 2550675 E-mail- apccfnodal@mahaforest.gov.in

Sub:- Proposal for diversion of 5.00 ha. forest land under Forest (Conservation) Act, 1980 for construction of Police Station Building and Residential Quarters for Police at Bhamragad, Taluka Bhamragad, Dist. Gadchiroli in the State of Maharashtra (FP/MH/OTHERS/2770/2017)

No. : Desk-17/NODAL/Gadchiroli/ID-12652 (26 A)/1231 /2021-22

Nagpur - 440 001, Dated :- 13/10/2021

To,
The Principal Secretary (Forests),
Revenue and Forest Department,
Mantralaya, Mumbai -32

The Superintendent of Gadchiroli has submitted the proposal for diversion of 5.00 ha. forest land under Forest (Conservation) Act, 1980 for construction of Police Station Building and Residential Quarters for Police at Bhamragad, Taluka Bhamragad, Dist. Gadchiroli in the State of Maharashtra. The details of forest land proposed for diversion is as given below: -

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| Total Forest Area (ha) | | | | 5.00 | |

2.00 The User Agency i.e. Superintendent of Gadchiroli has pointed out that in order to prevent naxal - activities and maintain law and order situations new Arm Out Post at Bhamragad, should be established at the earliest. Administrative building of Sub Police Station is necessary for keeping Arms and communication, while residential quarters are essential for accommodation of police personnel. The Gadchiroli unit of Maharashtra Police has explored all other possible alternatives to find a suitable land required for construction of Police Station Building and Residential Quarters for Police at Bhamragad, Taluka Bhamragad, Dist. Gadchiroli in the State of Maharashtra and the forest land required is the barest minimum.

2.1 The proposed forest land to be used by Police Department of Government of Maharashtra is for public interest.

3.00 Following documents as prescribed in Government Circular, Revenue and Forest Department No.FLD-1081/2041/(A)/F-3,dated 20/03/1982 and according to Government of India's instructions issued from time to time are enclosed in two copies.

3.1 Prescribed form dated 10/01/2003.

3.2 Certificate regarding minimum demand of forest land for the project,

3.3 Area Statement,

3.4 Index map in suitable scale

4.00 The Deputy Conservator of Forests, Bhamragarh Forest Division, Allapalli has certified that:-

4.1 no suitable alternate land is available and the forest land required is minimum.

4.2 the area belongs to Eco-value class-III and having density is 0.6 to 0.7

4.3 there are 1162 trees of various species and girth in the area proposed for diversion. Girth class wise abstract is given as under:-

| Tree Girth in Cm. | | | | | | | |
|-------------------|-------------|--------|---------|---------|---------|-----------|-------|
| Below 60 cm | Above 60 cm | 91-105 | 106-120 | 121-135 | 136-150 | 151 above | Total |
| 381 | 781 | 0 | 0 | 0 | 0 | 0 | 1162 |

4.4 the area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc.

4.5 proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.

4.6 there is no violation of Forest (Conservation) Act 1980.

- 4.7 the proposed area for the project is beyond 10 km from the boundary of the protected area (Sanctuary and National Park). P141
- 4.8 The provision for General approval under Section 2 (ii) of Forest (Conservation) Act, 1980 have been dealt in Chapter 4.7 General Approval for diversion of forest land for approach road to road side establishment for private entrepreneurs in sub clause (xvi) this general approval under Forest (Conservation) Act, 1980 is valid for a period of one year ending 31.12.2019 and will be subject to review thereafter.
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- 4.10 In the instant case the proposed project area is less than 20 ha coming under Gadchiroli District having forest area exceeding 50% of the total geographical area. Therefore the Deputy Conservator of Forests, Gadchiroli Forest Division, Gadchiroli has proposed Compensatory afforestation over 10.00 ha degraded Reserve Forest land in Compartment No.51 of village Suryadongri, Range Pola and is suitable for afforestation and it is free from encroachment. 18
- 5.00 **The User Agency has submitted an undertaking that:-**
- 5.1 to defray the cost of compensatory afforestation. P121
- 5.2 to defray the cost of Net Present Value of the forest land proposed under diversion. P118
- 5.3 Government of India vide letter No.11-43/2013-FC, dt.3/12/2018 has issued guidelines regarding compliance of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Right) Act, 2006. As per these guidelines:-

'Accordingly, it is clarified that within the time period stipulated for compliance of Stage I condition, Deputy Commissioner shall complete the process of compliance of FRA (including forwarding its findings to be concerned CF), hence for the purpose of the MoEF & CC, as per the provisions under the Forest (Conservation) amendment rules, 2016 the compliance under FRA is not required for consideration of in-principle approval. This has to be furnished by the State Government for consideration of the proposal by the Ministry for final approval'.

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6.00 The Deputy Conservator of Forests, Bhamragarh Forest Division, Allapalli and Chief Conservator of Forests (T), Gadchiroli Circle have recommended the proposal for diversion of 5.00 ha. of forest land.

7.00 **In view of this, the proposal is recommended for approval under the section -2 (ii) of the Forest (Conservation) Act, 1980 subject to the following conditions: –**

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
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- 7.18 Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MoEF&CC Guidelines F.No.11-42/2017-FC, dated 29/01/2018.
- 7.19 Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife.
- 7.20 The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>)

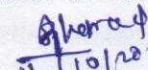
10.00 It is therefore, requested that Government of Maharashtra may kindly be moved for approving the Proposal for diversion of 5.00 ha. forest land under Forest (Conservation) Act, 1980 for construction of Police Station Building and Residential Quarters for Police at Bhamragad, Taluka Bhamragad, Dist. Gadchiroli in the State of Maharashtra under section 2 (ii) of the Forest (Conservation) Act, 1980.

Encl. :- Proposal 2 copies

 13/11/21

(Naresh Zurmure)
Addl. Principal Chief Conservator of Forests
& Nodal Officer

 13/11/21

 11/10/21
OA

Copy to the Conservator of Forest (T), Gadchiroli for information.

Copy to the Deputy Conservator of Forests, Bhamragarh Forest Division, Allapalli for information.

Copy to the Superintendent of Gadchiroli for information.