

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

ADDITIONAL PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND NODAL OFFICER,

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No. Desk-17/2/Nodal/ID12797/1264/2022-23

Nagpur – 440 001, Date : 19/08/2022

To,

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

Sub:- Diversion of 2.0 ha. forest land under Under Section -2 of the Forest (Conservation) Act, 1980 of construction of Administrative Building and Residential Quarters of Arm Out Post at -Tadgaon, Tal. Bharagad, District-Gadchiroli in the State of Maharashtra-regarding. (FP / MH / OTHERS / 43728 / 2020)

Ref:- 1. Conservator of Forests, (T) Gadchiroli letter NO.Desk-2(8)/land/C.R.437/2022/5537, Dt.21/07/2022.

2. DYCF, Bhamraghd Division, Allapalli letter no. Desk-1/Survey/3040, Date 21.01.2021.

Sir,

The proposal is for diversion of 2.00 ha. additional forest land under Forest (Conservation) Act, 1980 for construction of Administrative building and Residential Quarters of Arm Out Post at Tadgaon , Tal. Bhamragad Dist. Gadchiroli. The details of the forest land proposed for diversion are as under : **PPNo.48**

Sr.No.	Item work purpose	Name of Village	Comptt. No.	Survey No	Area (in Sqm.)	Area (In Ha.)	Legal Status
1.	Administrative building	Tadgaon	575	56	731.83	0.073183	RF
2.	Police Staff Quarter				380.28	0.038028	
3.	Mess Building				82.207	0.0082207	
4.	Prefab Barrack				324.00	0.0324	
5.	Prefab Officers Hostel				146.224	0.0146224	
6.	Prefab Toilet Block				32.496	0.0032496	
7.	Bathroom Block				33.630	0.003363	
8.	Morcha				160.350	0.016035	
9.	Compound Wall				600.00	0.06	
10.	Parade Ground				3520.00	0.352	
11.	Open Space				13988.98	1.398898	
	Total Forest Area (ha.)				20000.00	2.00	

2.00 The Proposal has been initiated by Superintendent of Gadchiroli has pointed out that in order to prevent naxal - activities and maintain law and order situations new Arm Out Post at Aheri, should be established at the earliest . Construction of Administrative Building 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 Administrative building of Sub Police Station at Tadgaon, Tal. Bhamragad, Dist. Gadchiroli and the forest land required is the barest minimum. **PPNo.08**

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

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

4.1 No suitable alternate land is available and the forest land required is the barest minimum. **PPNo.54**

4.2 The area belongs to Eco - value class - III and having density is 0.6. **PPNo.50 & 61**

4.3 There are 227 trees of various species and girth in the area proposed for diversion. Girth class wise abstract is given as under. **PPNo.66**

Tree Girth in Cm.									
31/ 45	46/60	61/75	76/90	91/105	106/120	121/135	136/150	Above 150	Total
09	14	17	16	21	27	26	47	50	227

4.4 The area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc. **PPNo.60**

4.5 Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance. **PPNo.59**

4.6 There is no violation of Forest (Conservation) Act 1980. **PPNo.55**

4.7 The proposed area for the project is beyond 10 km from boundary of the protected area (Sanctuary and National Park.) **PPNo.63**

5.00 The User Agency has submitted an undertaking that:-

5.1 To defray the cost of compensatory afforestation. **PPNo.12**

5.2 To defray the cost of Net Present Value of the forest land proposed under diversion. **PPNo.14**

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 as undertaking regarding the compliances the Scheduled Tribes and Other Traditional forest Dwellers Region of Forest Rights) Act, 2006 has been applied and is under process and shall be suited be in - principle approval.

6.00 The Deputy Conservator of Forests, Bhamragad Forest Division, Allapalli and Conservator of Forests (T), Gadchiroli have recommended the proposal for diversion of 2.00 ha of forest land.

7.0 The provision for General approval under Section 2 (ii) of Forest (Conservation) Act, 1980 have been dealt in Chapter 4.4 of the Government of India guidelines Dt. 28/03/2019. Para 4.4 of the said guidelines deals with public infrastructures in Left Wing Extreme affected districts, wherein following 14 categories of public infrastructure have been mentioned

- a) School Educational Industries
- b) Dispensaries / Hospitals,
- c) Electrical and Telecommunication Lines
- d) Drinking Water
- e) Water / Rain Water Harvesting Structures
- f) Minor Irrigation Canal
- g) Non - Conventional Sources of Energy
- h) Skill up Gradation / Vocational Training Center
- i) Power Sub - Stations
- j) Public roads (including quarrying of materials to be used)
- k) Communication Posts
- l) Police establishments like Police Stations/Outposts/ Border Outposts/Watch Towers in sensitive area (identified by Ministry of Home Affairs) ; and
- m) Underground optical fiber cables, telephone lines & drinking water supply lines.
- n) Setting up Medical Colleges by Government Departments.

7.1 Present proposal involves diversion of 2.00 ha. Reserve Forest land is covered under the activity at serial no. (l) mentioned above.

7.2 The State Government vide letter No FLD – 2018/CR.143/F-10 Dated 15/05/2018 has conveyed its approval for constitution of Committee for approval of diversion proposal in Left Wing Extremist Affected area for - more than 5 ha. & upto 40 ha. / OR having trees more than 50 ha. for purposed of critical public utility infrastructure facilities as declared by the Central Government vide letter F.No.11-98 – FC(LWE) Dated 15/02/2018

7.3 As per clause 4.4, Public infrastructure in LWE Districts. It is mentioned in clause 4.4.3 for CA is applicable for all such proposals involving area up to 40.00 ha except for proposal up to 5.00 ha.with less than 50 trees per ha. (for area up to 5.00 ha with less than 50 trees) the provisions of planting as detailed in Section - 3 of Chapter 2 shall be applicable.

8.00 **In view of this, the proposal is recommended to be placed before the Committee Constituted as per Government of Maharashtra GR Dated 15/05/2018 subject the following conditions.**

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

- 8.2 The User Agency shall defray the cost towards the compensatory afforestation at the prevailing rates.
- 8.3 The forest land to be diverted shall not be used for any purpose other than specified in the project.
- 8.4 The User Agency will defray the cost of Net Present Value of 2.00 ha. of forest land proposed for diversion.
- 8.5 The User Agency will defray the additional / revised cost of Net Present Value of forest land as per the extant guidelines of Government of India.
- 8.6 The user agency shall obtain the environmental clearance, if required.
- 8.7 The User Agency shall defray the cost of removal of 227 trees in the proposed area. However, minimum number of trees will be felled. The trees so felled by the Forest Department accoutered for separately in terms of exploration sale / disposal and the cost of falling shall be recovered from the user agency.
- 8.8 The user agency in consultation with the State Forest Department shall create and maintain alternate habitat home for the avifauna, whose nesting trees are to be cleared in this project. Bird's nests artificially made out of eco - friendly material shall be used in the area, including forest area and human settlements, adjoining the forest area being diverted for the project;
- 8.9 The user agency shall obtain the certificate of the Collector, Gadchiroli under the Scheduled Tribes and Other Traditional forest Dwellers (Recognition of Forest Rights) Act, 2006 before Stage II approval .
- 8.10 The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- 8.11 No labour camp shall be established on the forest land ;
- 8.12 All necessary precautions should be taken to protect the area from fire.
- 8.13 The proposed diversion of forest land for the project will be confined to 2.00 ha only.
- 8.14 All other conditions as may be mandatory under relevant Acts, Rules and guidelines shall be complied with by the user agency.

In view of the above, it is requested that the Government of Maharashtra may kindly be moved for approval under section-2 (ii) of Forest Conservation Act, 1980, at the earliest.

Encl:- As above 2 Copies


(Naresh Zurmure)

Addl. Principal Chief Conservator of Forests
& Nodal Officer

Copy for Information:-

1. Conservator of Forest (T), Gadchiroli.
2. Dy. Conservator of Forest (T), Bhamragad Division, Allapalli.
3. Superintendent Of Police, Gadchiroli.

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)

Subject:- Diversion of 2.0 ha. forest land under Under Section -2 of the Forest (Conservation) Act, 1980 of construction of Administrative Building and Residential Quarters of Arm Out Post at - Tadgaon, Tal. Bharagad, District-Gadchiroli in the State of Maharashtra-regarding. (FP / MH / OTHERS / 43728 / 2020)

The details of land proposed for diversion is as under:-

Sr.No.	Item work purpose	Name of Village	Comptt. No.	Survey No	Area (in Sqm.)	Area (In Ha.)	Legal Status
1.	Administrative building	Tadgaon	575	56	731.83	0.073183	RF
2.	Police Staff Quarter				380.28	0.038028	
3.	Mess Building				82.207	0.0082207	
4.	Prefab Barrack				324.00	0.0324	
5.	Prefab Officers Hostel				146.224	0.0146224	
6.	Prefab Toilet Block				32.496	0.0032496	
7.	Bathroom Block				33.630	0.003363	
8.	Morcha				160.350	0.016035	
9.	Compound Wall				600.00	0.06	
10.	Parade Ground				3520.00	0.352	
11.	Open Space				13988.98	1.398898	
	Total Forest Area (ha.)				20000.00	2.00	

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: 19/08 /2022

Place: Nagpur

PART -V

(To be filled in by the Secretary in charge of the Forest Department or any other authorized officer of the State Government not below the rank of under Secretary)

Subject:- Diversion of 2.0 ha. forest land under Under Section -2 of the Forest (Conservation) Act, 1980 of construction of Administrative Building and Residential Quarters of Arm Out Post at - Tadgaon, Tal. Bharagad, District-Gadchiroli in the State of Maharashtra-regarding. (FP / MH / OTHERS / 43728 / 2020)

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	Total Forest Area (ha.)				20000.00	2.00	

Recommended:

MoEF, Government of India, vide letter No.5-5/86-FC (Pt) dated 17/4/2000 has suggested to submit proposals for projects in social sector requiring forest area up to 5.00 Ha., directly to Government of India. Accordingly, Government of Maharashtra has delegated the power to the Nodal Officer, Maharashtra State vide No. FLD-1000/CR-187/F-10 dated 10/05/2000 to submit proposals less than 5.00 Ha. (Excluding National Parks and Sanctuaries) directly to Regional Office, MoEF, Nagpur.


(Naresh Zurmure)

Additional Principal Chief Conservator of
Forests & Nodal Officer

Date: 19/08/2022

Place: Nagpur

Proposal for diversion of 2.00 ha. Additional forest land under Forest (Conservation) Act, 1980 for construction of Administrative building and Residential Quarters of Arm Out Post at Tadgaon, Tal. Bhamragad Dist. Gadchiroli (FP / MH / OTHERS / 43728 / 2020)

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

The proposal is for diversion of 2.00 ha. additional forest land under Forest (Conservation) Act, 1980 for construction of Administrative building and Residential Quarters of Arm Out Post at Tadgaon , Tal . Bhamragad Dist. Gadchiroli. The details of the forest land proposed for diversion are as under : **PPNo.48**

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- 2.00 The Proposal has been initiated by Superintendent of Gadchiroli has pointed out that in order to prevent naxal - activities and maintain law and order situations new Arm Out Post at Aheri, should be established at the earliest. Construction of Administrative Building 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 Administrative building of Sub Police Station at Tadgaon, Tal. Bhamragad, Dist. Gadchiroli and the forest land required is the barest minimum.
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- 3.00 The proposed forest land to be used by Police Department of Government of Maharashtra is public interest.
- 4.00 **The Deputy Conservator of Forests, Bhamragad Forest Division, Allapalli has certified that :**
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- 4.2 The area belongs to Eco - value class - III and having density is 0.6. **PPNo.50 & 61**
- 4.3 There are 227 trees of various species and girth in the area proposed for diversion. Girth class wise abstract is given as under. **PPNo.66**

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- 4.4 The area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc. **PPNo.60**
- 4.5 Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance. **PPNo.59**
- 4.6 There is no violation of Forest (Conservation) Act 1980. **PPNo.55**
- 4.7 The proposed area for the project is beyond 10 km from boundary of the protected. area (Sanctuary and National Park.) **PPNo.63**
- 5.00 The User Agency has submitted an undertaking that:-**
- 5.1 To defray the cost of compensatory afforestation. **PPNo.12**
- 5.2 To defray the cost of Net Present Value of the forest land proposed under diversion. **PPNo.14**
- 5.3 Government of India vide letter No.11-43 / 2013 - FC, dt. 03/12/2018 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 as undertaking regarding the compliances the Scheduled Tribes and Other Traditional forest Dwellers Region of Forest Rights) Act, 2006 has been applied and is under process and shall be suited be in - principle approval.

- 6.00** The Deputy Conservator of Forests, Bhamragad Forest Division, Allapalli and Conservator of Forests (T), Gadchiroli have recommended the proposal for diversion of 2.00 ha of Reserve forest land. (F.P. 28)
- 7.0 The provision for General approval under Section 2 (ii) of Forest (Conservation) Act, 1980 have been dealt in Chapter 4.4 of the Government of India guidelines Dt. 28/03/2019. Para 4.4 of the said guidelines deals with public infrastructures in Left Wing Extreme affected districts, wherein following 14 categories of public infrastructure have been mentioned
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 - m) Underground optical fiber cables, telephone lines & drinking water supply lines.
 - n) Setting up Medical Colleges by Government Departments.
- 7.1 Present proposal involves diversion of 2.00 ha. Reserve Forest land is covered under the activity at serial no. (l) mentioned above.
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- 7.3 As per clause 4.4, Public infrastructure in LWE Districts. It is mentioned in clause 4.4.3 for CA is applicable for all such proposals involving area up to 40.00 ha except for proposal up to 5.00 ha. with less than 50 trees per ha. (for area up to 5.00 ha with less than 50 trees) the provisions of planting as detailed in Section - 3 of Chapter 2 shall be applicable.
- 8.00 **In view of this, the proposal is recommended to be placed before the Committee Constituted as per Government of Maharashtra GR Dated 15/05/2018 subject the following conditions.**
- 8.1 The legal status of the forest land required will remain unchanged.
- 8.2 The User Agency shall defray the cost towards the compensatory afforestation at the prevailing rates.
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Department accounted for separately in terms of exploration sale / disposal and the cost of falling shall be recovered from the user agency.

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- 8.11 No labour camp shall be established on the forest land ;
- 8.12 All necessary precautions should be taken to protect the area from fire.
- 8.13 The proposed diversion of forest land for the project will be confined to 2.00 ha only.
- 8.14 All other conditions as may be mandatory under relevant Acts, Rules and guidelines shall be complied with by the user agency.



(Dr.Y.L.P.Rao)

Principal Chief Conservator of Forests (HoFF)
Maharashtra State, Nagpur


28/7/2022 