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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 6.53 ha. Zudpi Jungle land of Village Gondia Khurd, Taluka and District Gondia under Category- II { Zudpi Jungle for Encroachment at Sanjaynagar (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. The details of land proposed for diversion is as under- (FP/MH/encrh/32585/2018)

Sr. No.	Item of work purpose	Village Name	Survey No	Area (in ha.)	Legal Status
1	Regularization of Encroachment at Sanjay Nagar Village Gondia Khurd. Tal & Dist. Gondia	Gondia Khurd	385/1, C-1	4.57	Grass
			385/2	1.28	Zudpi Jungle
			385/4	0.68	
			Total Zudpi Jungle		6.53 ha.

Specific recommendation of Principal Chief Conservator of Forests (HoFF) MS Nagpur is attached on page no. 14/a To 14/d

  
(G Sai Prakash)

Additional Principal Chief Conservator of Forests  
& Nodal Officer, Maharashtra State, Nagpur.

Date: 17/10/18

Place: Nagpur

**Proposal for diversion of 6.53 ha. Zudpi Jungle land of Village Gondia Khurd, Taluka and District Gondia under Category- II { Zudpi Jungle for Encroachment at Sanjaynagar (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.  
(FP/MH/ENCRH/32585/2018)**

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

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Govt. of India, Ministry of Environment & Forests, vide their letter dated 04.03.2014 have approved simplified procedure for submission of diversion proposals for Zudpi Jungle under Forest (Conservation) Act, 1980, as requested by Govt. of Maharashtra vide letter dated 03.07.2013 (Copies Enclosed). The proposals are to be prepared for six categories separately. Govt. of India has also prescribed special dispensation for submission of documents along with the proposal. Though Government of India has prescribed submission of proposals in a consolidated manner for a Taluka, it has been subsequently agreed that for a particular category and a particular Taluka more than one proposal may be submitted by the concerned Sub Divisional Officer (SDO) so that the process of preparation and approval of proposals may be fastened.

The Word Zudpi Jungle is in use in Vidarbha area since the settlement of 1911-12. The word "Shrub Jungle" is defined in Central Provinces Grazing & Nistar Act, 1948, & it covers the lands having trees of 4 years or lesser and land covered by shrubs. The settlement of 1911-12 in Nagpur district classified forest as they existed as "big tree forests" and "small tree forests", & land covered with shrubs were described as "Zudpi Jungle". The entry therefore actually meant land on which only shrubs grew. These lands are of murmadi soil where growth of large trees is not possible. Therefore these lands are commonly known as Zudpi Jungle.

The growth in urban areas of Village Gondia, Khurd, Taluka and District Gondia is hampered by existence of these patches of Zudpi Jungle to which provisions of Forest (Conservation) Act are applicable. In response to the proposal of Government of Maharashtra the Government of India granted permission to submit proposal for diverting Zudpi Jungle for public purpose under simplified procedure under the Forest (Conservation) Act-1980 vide Government of India MoEF (FC Division) Communication No. R.No.8-33/2-1-FC, decision of 4<sup>th</sup> March 2014. As per clause 2 of the said communication the Ministry will accept submission of category wise proposal for diversion of Zudpi Jungle lands. It is further stated in the communication that the user agency may be SDO in part-I but the details of Zudpi land should be provided for different villages and Khasra wise separately along with the digital maps. It is further stated that legal status of Zudpi Jungle lands for diversion shall remain the same; the State Government shall not use the Zudpi Jungle land for the purpose other than specified in the diversion proposal. In accordance with the simplified procedure, the instant proposal is being submitted. The proposal belongs to Category -II (Zudpi Jungle for Encroachment (excluding commercial propose) prior to 12.12.1996 using simplified procedure} and the details are as below:-

- 1) Proposal for diversion of 6.53 ha. Zudpi Jungle land of village Gondia Khurd, Taluka and District Gondia under Category II {Encroachment (excluding commercial purpose) prior to 12/12/1996 using simplified procedure} in consolidated form under Forest (Conservation) Act, 1980 has been submitted by Sub Divisional Officer, (SDO), Gondia. It pertains to diversion of area under the Category-II Encroachment (excluding commercial purpose) in Gondia Khurd, Tal. in Distt. Gondia. The area comprises 03 survey numbers. The encroachments are prior to 1996 and exclude encroachments for commercial purposes. The proposed area details are as below:-

Sr. No.	Item of work purpose	Village Name	Survey No	Area (in ha.)	Legal Status
1	Regularization of Encroachment at Sanjay Nagar Village Gondia Khurd. Tal & Dist. Gondia	Gondia Khurd	385/1, C-1	4.57	Grass
			385/2	1.28	Zudpi Jungle
			385/4	0.68	
			Total Zudpi Jungle		6.53 ha.

The area proposed for diversion has been depicted on the Topo Sheet of 1:50000 scale having Latitude and Longitude as per list is attached.

- 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 4<sup>th</sup> March, 2014. The details are as under:-

- i) A copy of the Record of Rights are attached.
- ii) Map indicating boundary and adjoining land use in suitable scale is attached.
- iii) The geo-referenced (Digital GPS Map) boundary in shape file submitted by the User Agency is attached.
- iv) Form A containing part I, II III and IV u/s 6 of the Forest (Conservation) Rules, 2003 is enclosed with the proposal.
- v) Site Inspection Reports: -
  - a) Joint Site Inspection Reports (JSIR – I) of Circle Officer of the District Administration and Forester from Forest Department are enclosed with the proposal.
  - b) Joint Site Inspection Reports (JSIR – II) of Tahsildar Gondia and Range Forest Officer Gondia for 5% of the forest land (Zudpi Jungle) proposed for diversion are enclosed for the following area:  
Range –Gondia, Taluka-Gondia Dist. Gondia in Survey No/Gut No.385/1C-1, 385/2 and 385/4 Gondia Khurd-area-6.53 ha.



Further, other points pertaining to the proposal are as below: -

- 3) The area belongs to Eco class value III and having density of forest is 0.1 southern tropical dry deciduous forests as per Site Inspection Report of the Deputy Conservator Forests, Gondia Forest Division Gondia.
- 4) The Deputy Conservator of Forests, Gondia Forest Division, Gondia and Chief Conservator of Forests (T) Nagpur Circle Nagpur have recommended the proposal for diversion of 6.53 ha. Zudpi Jungle land in Village Gondia Khurd, Taluka and District Gondia under Category-II {Encroachment at Sanjaynagar (excluding commercial purpose) prior to 12/12/1996 using simplified procedure} in consolidated form under Forest (Conservation) Act, 1980.
- 5) The Deputy Conservator of forest Gondia Forest Division, Gondia has certified that the proposed project is beyond 10 km of the boundary of the Protected Area (Sanctuary and National Park).
- 6) The map showing distance if these villages from Eco-sensitive zone of these sanctuary is attached.
- 7) There is no cutting and felling of trees involved in this project.
- 8) Site inspection report of the Deputy Conservator of Forest, Gondia Division, Gondia is enclosed.
- 9) The Sub Divisional Officer, Gondia and Deputy Conservator of Forests, Gondia have certified that no suitable alternate land is available and the Zudpi forest land required is the lowest minimum.
- 10) The proposed area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc as certified by the Conservator of Forest, Wildlife Division, Gondia.
- 11) The Deputy Conservator of Forest, Gondia Division, Gondia has certified that the proposal does not affect any monumental site of cultural, historical, religious, archeological or recreational importance.
- 12) The user agency has submitted the certificate dt. 22/06/2018 of Collector, Gondia under Schedule Tribes and Other Traditional Forest Dweller's (Recognition of Forest Rights) Act 2006 issued vide letter No. AK/Mah-1/Ws/691/2018, dated 22/06/2018 in prescribed format Form- II. User Agency has submitted the copy Ward Committee Resolutions is attached.
- 13) The user agency and Deputy Conservatory of Forests, Gondia has submitted demarcation certificate of the proposed area.
- 14) The user agency has submitted consolidated digital maps with proposal.
- 15) The Government of Maharashtra has requested Government of India for exemption of Net Present Value for the regularization of these lands as decided in the Forest Advisory committee meeting dated 26/10/2017 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.

16) Government of India, Ministry of Environment, Forests and Climate Change, Regional Office, Nagpur vide letter under reference No.1 inter-alia decided to return the proposal to the State Government as per Ministry's letter dated 07/08/2018 and request to 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". In this regard, it is submitted that the State Government vide letter dated 06/06/2018, constituted a Committee under the chairmanship of Divisional Commissioner, Nagpur to propose measures to further simplify the procedure of diversion of Zudpi Lands. However, the Committee has already submitted its report to State Government on 4<sup>th</sup> July, 2018. The Committee has recommended the measures for simplification, while submitting the diversion proposal as well as recommended to consider approaching the Hon'ble Supreme Court through an Interlocutory Application to exempt Zudpi Lands from the purview of the Forest (Conservation) Act, 1980. The State Government vide letter dated 23/08/2018 has accepted the said report and also moved the Ministry to accept the measures suggested by the Said Committee for simplification in submission of diversion proposal. The State Government has also directed the Divisional Commissioner, Nagpur to take necessary action for filling the Interlocutory Application before the Hon'ble Supreme Court. The Divisional Commissioner, Nagpur vide his letter dated 21/09/2018 has submitted the draft of the Interlocutory Application to the State Government. It is submitted that in such a situation, it shall be proper to accept and scrutinize such diversion proposals for diversion under simplified procedures.

In view of this, the proposal is recommended 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 as decided in the Forest Advisory committee meeting dated 26/10/2017
- iv. All other conditions as may be mandatory under relevant Acts, Rules and guidelines shall be complied with by the user agency.



Principal Chief Conservator of Forests  
(Head of Forest Force)  
Maharashtra State, 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

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(FP/MH/encrh/32585/2018).

No. : Desk-17/NC/I/I.D-12634/1423/18-19  
Nagpur – 440 001, Dated : 17/10/2018

To,  
The Secretary (Forests),  
Revenue & Forest Department,  
Mantralaya,  
Mumbai - 400032.

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Interlocutory Application to exempt Zudpi Lands from the purview of the Forest (Conservation) Act, 1980. The State Government vide letter dated 23/08/2018 has accepted the said report and also moved the Ministry to accept the measures suggested by the Said Committee for simplification in submission of diversion proposal. The State Government has also directed the Divisional Commissioner, Nagpur to take necessary action for filling the Interlocutory Application before the Hon'ble Supreme Court. The Divisional Commissioner, Nagpur vide his letter dated 21/09/2018 has submitted the draft of the Interlocutory Application to the State Government. It is submitted that in such a situation, it shall be proper to accept and scrutinize such diversion proposals for diversion under simplified procedures.

In view of this, the proposal is recommended 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 as decided in the Forest Advisory committee meeting dated 26/10/2017
- iv. All other conditions as may be mandatory under relevant Acts, Rules and guidelines shall be complied with by the user agency.

It is therefore, requested that Government of India may kindly be moved for approving the Proposal for diversion of 6.53 ha. Zudpi Jungle land of Village Gondia Khurd, Taluka and District Gondia under Category- II { Zudpi Jungle for Encroachment at Sanjaynagar (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, under section 2 (ii) of the Forest (Conservation) Act, 1980.

Encl. :- Proposal 2 copies

(G.Sai Prakash)

Addl. Principal Chief Conservator of Forests  
& Nodal Officer,  
Maharashtra State, Nagpur.

- Copy to The Divisional Commissioner, Nagpur for information.  
Copy to The Chief Conservator of Forests (Territorial) Nagpur for information.  
Copy to The Collector, Gondia for information.  
Copy to Deputy Conservator of Forests, Gondia forest Division, Gondia for information.  
Copy to The Sub Divisional Officer, Gondia for information.