

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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New Proposal

No. Desk-17/ **FCA-S1/PID-153530/kolhapur/926**
Nagpur – 440 001, Date : **23/06/2023**

To,

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

Subject:- Diversion of 0.2664 ha. Forest land for Cosntruction of Railings and New Black Stone Staircase on footpath from Zhari parshwanath Digambar Jain Mandir to up to Wildlife Passage on side railing and Footpath repair in Yashwantrao Chavan Wildlife Sanctuary in the State of Maharashtra. (FP/MH/ROAD/153530/2022).

Refferance:- The Additional Principle Chief Conservator of Forest Wildlife Western Region Mumbai Letter No. Desk-3/Land/C.R.88/183/ dt.7/6/2023

The Additional Principle Chief Conservator of Forest Wildlife Western Region Mumbai on dated 7/6/2023, has submitted the Proposal for diversion of 0.2664 ha. Forest land for Cosntruction of Railings and New Black Stone Staircase on footpath from Zhari parshwanath Digambar Jain Mandir to up to Wildlife Passage on side railing and Footpath repair in Yashwantrao Chavan Wildlife Sanctuary in the State of Maharashtra. (FP/MH/ROAD/153530/2022).

2.0 The detailed area statement of forest land is shown as under:- **(Off.P.No. 21 & 22)**

Purpose wise breakup of Wildlife Sanctuary of the required land							
Name of Works Purpose	Name of Village	Comp. No	Survey No	Length (in Mtr.)	Area (in Sq.Mtr)	Area (in Ha)	Legal Status of land
A) Repair work of before 1980 Existing							
1) Pathway	Kundal	1	119	82.00 x 3.00	246.00	0.0246	
2) Steps	Kundal	1	119	144.00 x 1.50	216.00	0.0216	

B) Maintenance of Temple								RF
1) Zari Parshwanath	Kundal	1	119	20.00 x 3.00	60.00	0.006		
2) Shelter		1	119	6.00 x 5.00	30.00	0.003		
3) Shridhar Kevali		1	119	11.00 x 17.00	187.00	0.0187		
4) Giri Parshwanath	Kumbhargaoon	3	127	14.00 x 16.00	224.00	0.0224		
C) New Construction of Railings and New Black stone Staircase on footpath from Zhari Parshwanath Digambar Jain Mandir to Hill top Edge to Giri Prashwanath Digambar Jain Mandir Village Kundal and Kubbhargaoon	Kundal	1	119	1122.00 x 1.50	1683.00	0.1683		
	Kumbhargaoon	3	127	12.00 x 1.50	18.00	0.0018		
	Grand Total				2664	0.2664		

3.0 The proposal has been initiated by Shri Prabhatchandra Jain, National President, Bharat-varshiya Digambar Jain Tirthkshetra Committee, Mumbai for Construction of Railings and New Black Stone Staircase on footpath from Zhari Parshwanath Digambar Jain Mandir to up to Wildlife Passage on side railing and Footpath repair in the Yashwantrao Chavan Sagreshwar wildlife Sanctuary.

Proposal for diversion of Forest land for repair of existing Pathway 0.0246 ha. Existing steps in this area 0.0216 ha. and maintenance of Existing 3 Temples, one Shelter Area 0.501 ha. Total proposed work on existing pathway area 0.0963 ha. and new Construction of railings and new Black stone staircase on footpath from Zhari Parshwanath Digambar Jain Mandir to up to Wildlife Passage one side railings and Footpath repair. In the Wildlife passage only footpath work end of Wildlife

passage to Hill top edge both side railings and Black stone staircase on footpath. Hill top Edge to Via-Shridhar Kevali paduka Jain Mandir up to Village Kundal boundary footpath repair with black stone staircase work in Village Kundal F.G.No-119 required area-0.2422 ha. Tal. Palus . And Village kundal boundary to Giri Parshwanth Digambar Jain Mandir footpath repair work and maintenance of one temple in Village-Kumbhargaoon F.G.No-127 required area 0.0242 ha. Tal.Kadegaon Dist. Sangali. Total required forest area 0.2664 ha.

- 4.0 The site inspection report of the Divisional Forest Officer(Wild Life) Kolhapur, is enclosed in the proposal on **(P.P.No. 29 to 32)**
- 5.0 The Additional Principle Chief Conservator of Forest Wildlife Western Region Mumbai and Divisional Forest Officer (Wild Life) Kolhapur, have recommended the proposal for diversion of 0.2664 ha.of Reserved forest land. **(P.P.No.26)**

6.0 Divisional Forest Officer (WildLife) Kolhapur, has certified that:-

- 6.1. No alternate alignment is possible and the forest land required is minimum. **(P.P.No. 41)**
- 6.2 There is no violation of FCA, 1980. **(P.P.No. 44)**
- 6.3 The proposed C.A. over 1.00 ha. degraded forest land at Village-Kumbhargaoon F.G.N. 142 Compt.No. 3 Tal-Kadegaon Dist-Sangali. It is contiguous, suitable for afforestation and management purpose and also it is free from encroachment and encumbrances. **(P.P.No. 45)**
- 6.4 The non-forest area covered under the project is not under the provision of Maharashtra Private Forest (Acquisition) Act 1975 by virtue of application of Section 35 of Indian Forest Act 1927 and are not recognized as deemed reserved forest as well as not included in the area identified as "forest" as per dictionary meaning of forest as intimated to the expert committee appointed under interim judgment of the Hon'ble Supreme Court dated 12/12/1996. **(P.P.No.57)**
- 6.5 Proposed project is not likely to affect any monumental site of cultural, historical, religious archaeological or recreational Importance **(P.P.No.60)**
- 6.6 The proposed project is included in Yashwantrao Chavan Sagreshwar Wild Life Sanctuary. **(P.P.No.61)**
- 6.7 No trees cutting and felling involved in the project. **(P.P. No. 68)**
- 6.8 C.A.Scheme for 10 years is attached on **(P.P.No.46 to 51)**
- 6.9 The proposed project area belongs to Eco Value Class -III having Density below 0.4, Open Forest. **(P.P. No. 30)**

- 6.10. Proposed project site is within Yashwantrao Chavan Sagreshwar Wild Life Sanctuary. (P.P.No.62)

7.0 The User Agency has submitted the following undertaking/documents:-

- 7.1 Agreed to defray the cost of Compensatory Afforestation. (P.P.No 42)
7.2 Agreed to bear the cost of Net Present Value. (P.P.No 63)
7.3 The proposal has been accorded Technical Sanction by the Competent Authority. Copy of the same is enclosed (P.P.No 131)
7.4 User Agency agrees to submit the FRA Certificate by the District Collector Sangli before Stage –II approval by Govt. of India. (P.P.No 77)

8.00 The KML file C.D of the area to be diverted is placed in the file at the top.

9.00 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:-

- 9.1 Legal status of the diverted forest land shall remain unchanged:
9.2 Compensatory afforestation shall be taken up by the Forest Department over 1.00 ha. degraded forest land in Compt.No.3 & forest Gut/No. 142 at Village Khumbhargaoon , Taluka Kadegaon, district Sangli 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.
9.3 The User Agency shall transfer the cost of raising and maintaining the compensatory Afforestation, at the current wage rate, to the State Forest Department. The Scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
9.4 **NPV**
(a) The State Government shall charge the Net Present Value (NPV) for the 0.2664 ha. forest area to be diverted under this proposal from the User Agency as per the order 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 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 and 06/01/2022 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.
9.5 For Violation of the FCA, 1980 as penalty, the user agency will defray the cost of equal to NPV of Forest land per hectare for of each year of violence from the dated of actual diversion as reported by the inspecting officer with maximum up to (5) times the NPV plus 12 percent simple interest till the deposited is made in accordance with Govt. of India advisory number 11-42/2017- FC, dated 29/1/2018

- 9.6 All The funds received from the User Agency under the project shall be transferred/deposited to CAMPA fund only through e-portal (<https://parivesh.nic.in/>)
- 9.7 The State Government should confirm, if any further construction in the forest land has been taken place by the User Agency after submission of the extant proposal for regularization of the forest land.
- 9.8 The User Agency shall obtain the Environment Clearance as per the provisions of the Environment (Protection) Act, 1986, if required;
- 9.9 No labour camp shall be established on the forest land;
- 9.10 The User Agency shall provide fuels preferably alternate fuels to the labours and the Staff Working at the site so as to avoid any damage and pressure on the nearby forest areas;
- 9.11 The boundary of the diverted forest land shall be demarcated on ground at the project cost, by erecting four feet height reinforced cement concrete pillars, each inscribed with its serial number forward and back bearing and distance from pillar to pillar;
- 9.12 The layout plan of the proposal shall not be changed without the prior approval of the Central Government.
- 9.13 The forest land shall not be used for any purpose other than that specified in the Proposal;
- 9.14 The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government.
- 9.15 No damage to the flora and fauna of the adjoining area shall be caused;
- 9.16 Any tree felling shall be done only when it is unavoidable and that too under strict Supervision of the State Forest Department;
- 9.17 The State Government shall ensure complete settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Right) Act, 2006 on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in its Guidelines issued in this regard along with the compliance of Stage-I approval;
- 9.18 The User Agency in consultation with the State Government shall create and maintain alternate habitat/home for the avifauna, who's nesting trees are to be cleared in this project. Bird's nest 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;
- 9.19 The user agency shall Submit recommendation of CWLW.
- 9.20 The User Agency shall submit six monthly self-compliance reports as on 1st January and 1st July of every year to the GOI office as well as to the Nodal Officer of the State;
- 9.21 The State Government shall monitor self-compliance of conditions of Forest Clearance and shall submit in this regard yearly reported as on 31st December of every year.
- 9.22 Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time in the interest of conservation, protection and development of forest & Wildlife, and.

9.23 The User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the projects.

10.00 Keeping in view of facts mention in above pare, this proposal for diversion of 0.2664 ha. Forest land for Cosntruction of Railings and New Black Stone Staircase on footpath from Zhari parshwanath Digambar Jain Mandir to up to Wildlife Passage on side railing and Footpath repair in Yashwantrao Chavan Wildlife Sanctuary in the State of Maharashtra is recommended under section 2 (ii) of the Forest (Conservation) Act, 1980.

Encl:- Proposal 2 Copies



(Naresh Zurmure)

Addl. Principal Chief Conservator of Forests
& Nodal Officer

Copy for information:-



23/6/2023



1. The Additional Principle Chief Conservator of Forest Wildlife Western Region Mumbai.
2. The Divisional Forest Office (Wildlife), Kolhapur.
3. Shri Prabhatchandra Jain, National President , Bharatvarshiya Digambar Jain Tirthkshetra Committee, Mumbai .

PART -IV

18

(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 0.2664 ha of forest land for Construction of Railing and New Black Stone Staircase on footpath from Zhari Parshwanath Diagambar Jain Mandir to up to Wildlife Passage on side railing and Footpath repair in Yashwantrao Chavan Wildlife Sanctuary in the State of Maharashtra. (FP/MH/ROAD/153530/2022)

The details of land proposed for diversion is as under-

Purpose wise breakup of Wildlife Sanctuary of the required land							
Name of Works Purpose	Name of Village	Comp. No	Survey No	Lengt (in Mtr.)	Area (in Sq.Mtr)	Area (in Ha)	Legal Status of land
A) Repair work of before 1980 Existing							RF
1) Pathway	Kundal	1	119	82.00 x 3.00	246.00	0.0246	
2) Steps	Kundal	1	119	144.00 x 1.50	216.00	0.0216	
B) Maintenance of Temple							
1) Zari Parshwanath	Kundal	1	119	20.00 x 3.00	60.00	0.006	
2) Shelter		1	119	6.00 x 5.00	30.00	0.003	
3) Shridhar Kevali		1	119	11.00 x 17.00	187.00	0.0187	
4) Giri Parshwanat	Kumbhargao	3	127	14.00 x 16.00	224.00	0.0224	
C) New Construction of Railings and New Black stone Staircase on footpath from Zhari Parshwanath Digambar Jain Mandir to Hill top Edge to Giri Prashwanath Digambar Jain Mandir Village Kundal and Kubbhargao	Kundal	1	119	1122.00 x 1.50	1683.00	0.1683	
	Kumbhargao	3	127	12.00 x 1.50	18.00	0.0018	
Grand Total					2664	0.2664	

Specific recommendation of Principal Chief Conservator of Forests (HoFF) Maharashtra State, Nagpur is attached on page no. 17

(Naresh Zurmure)

Additional Principal Chief Conservator of Forests
& Nodal Officer

Date: 23 /06/2023
Place: Nagpur

23/6/23

Proposal for diversion of 0.2664 ha. Forest land for Construction of Railings and New Black Stone Staircase on footpath from Zhari parshwanath Digambar Jain Mandir to up to Wildlife Passage on side railing and Footpath repair in Yashwantrao Chavan Wildlife Sanctuary in the State of Maharashtra. (FP/MH/ROAD/153530/2022)

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.

Proposal for diversion of 0.2664 ha. Forest land for Construction of Railings and New Black Stone Staircase on footpath from Zhari parshwanath Digambar Jain Mandir to up to Wildlife Passage on side railing and Footpath repair in Yashwantrao Chavan Wildlife Sanctuary in the State of Maharashtra. (FP/MH/ROAD/153530/2022).

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4.0 The site inspection report of the Divisional Forest Officer(Wild Life) Kolhapur, is enclosed in the proposal on (P.P.No. 29 to 32)

5.0 The Additional Principle Chief Conservator of Forest Wildlife Western Region Mumbai and Divisional Forest Officer (Wild Life) Kolhapur, have recommended the proposal for diversion of 0.2664 ha.of Reserved forest land. (P.P.No.26)

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- 6.5 Proposed project is not likely to affect any monumental site of cultural, historical, religious archaeological or recreational Importance (P.P.No.60)
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8.00 The KML file C.D of the area to be diverted is placed in the file at the top.

9.00 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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- 9.3 The User Agency shall transfer the cost of raising and maintaining the compensatory Afforestation, at the current wage rate, to the State Forest Department. The Scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- 9.4 **NPV**
- (a) The State Government shall charge the Net Present Value (NPV) for the 0.2664 ha. forest area to be diverted under this proposal from the User Agency as per the order 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 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 and 06/01/2022 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.
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- 9.6 All The funds received from the User Agency under the project shall be transferred/deposited to CAMPA fund only through e-portal (<https://parivesh.nic.in/>)
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- 9.16 Any tree felling shall be done only when it is unavoidable and that too under strict Supervision of the State Forest Department;
- 9.17 The State Government shall ensure complete settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Right) Act, 2006 on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in its Guidelines issued in this regard along with the compliance of Stage-I approval;
- 9.18 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 nest 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;
- 9.19 The user agency shall Submit recommendation of CWLW.
- 9.20 The User Agency shall submit six monthly self-compliance reports as on 1st January and 1st July of every year to the GOI office as well as to the Nodal Officer of the State;
- 9.21 The State Government shall monitor self-compliance of conditions of Forest Clearance and shall submit in this regard yearly reported as on 31st December of every year.
- 9.22 Any other condition that the concerned Regional Office of this Ministry may stipulate, from time to time in the interest of conservation, protection and development of forest & Wildlife, and.
- 9.23 The User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations and Guidelines, for the time being in force, as applicable to the projects.

10.00 Keeping in view of facts mention in above para, this proposal for diversion of 0.2664 ha. Reserve Forest land in favour of Construction of Railings and New Black Stone Staircase on footpath from Zhari parshwanath Digambar Jain Mandir to up to Wildlife Passage on side railing and Footpath repair in Yashwantrao Chavan Wildlife Sanctuary in the State of Maharashtra is recommended under section 2 (ii) of the Forest (Conservation) Act, 1980.


(Dr.Y.L.P.Rao)

**Principal Chief Conservator of Forests,
(Head of Forest Force)**

Maharashtra State, Nagpur


24/6/2023


24/6/23