

3

The proposed settlement

The details of the forest land proposed for diversion are as under:-

Sr. No	Item work purpose	Village wise Chainage	Village Name	Gut No.	Compt. No.	Area (in ha)	Legal Status
1	Diversion of 33.420 ha. forest land for Upgradation to Two Lanes with paved shoulder/ Four Lane Configuration of Nanded-Kinwat-Mahur-Arni road section of National Highway 161A 0.00km at Bhoker and end at Arni Fata via Sarsam-Himayatnagar-Kinwat-Mahur of Nanded District in the State of Maharashtra	51740	Isapur	101	233	0.480	Reserved Forest
2		51940	Isapur	106	233	4.296	
3		53730	Rithi Tanda	101	234	3.144	
4		55080	Rithi Tanda	98	234	0.204	
5		66500	Sawari	100	252	1.752	
6		67500	Sawari	100	252	1.920	
7		74000	Bodhadi BK.	302	219A	0.960	
8		74400	Bodhadi BK.	197	219A	1.320	
9		78000	Bodhadi BK.	115	212A	0.720	
10		78300	Bodhadi BK.	71	211A	0.792	
11		78630	Chikhali Khu.	141	212D	0.540	
12		78630	Khikali Khu.	142	212D	0.540	
13		104800	Loni	88	82A	3.984	
14		109440	Rajgad Tanda	15	83A	0.240	
15		110800	Wadoli	64	84,85	2.136	
16		111690	Wadoli	102	85	0.576	
17		111930	Wadoli	112	33A	2.040	
18		112780	Sarkhani	123	34	7.776	
	Total Forest Area (in ha.)					33.420	



3.00 The proposal has been initiated by the Executive Engineer, National Highways Authority of India, Nanded for seeking approval under Forest (Conservation) Act, 1980 for Upgradation to Two Lanes with paved shoulder to Four Lane Configuration of Nanded-Kinwat-Mahur-Arni road section of National Highway 161A 0.00km at Bhoker and end at Arni Fata via Sarsam-Himayatnagar-Kinwat-Mahur of Nanded District in the State of Maharashtra. The existing road alignment passes through Forest area in a length of 147.650 Km in from chainage Km 51740 to Km 112780 in the Districts of Nanded. Total non forest involved in the project is 327.049 ha. The project is approved vide Government of India, Ministry of Road Transport & Highways (Project Zone-6) letter No. NH-12014/172/2016-MAH(P-6), Dated 20/02/2017. The site inspection report of the Deputy Conservator of Forests, Nanded Forest Division, Nanded is enclosed on page no. 11 to 13.

**4.00 The Deputy Conservator of Forests, Nanded Forest Division, Nanded, 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 having density less than 0.4 comes under Southern Tropical Dry Deciduous Forest.
- 4.3 there are 2115 trees of various species and trees is involved in implementation of the Project. The Girth wise break up is as under:-

Tree Girth in Cm						
0-30	31-45	61-90	91-120	120-150 cm	150 Above	Total
68	813	641	381	164	48	2115

- 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 Eco Sensitive Zone of the Painagnga WLS has been notified by the MoEF & CC on 30/11/2016. In this regard the Additional Principal Chief of Forests & Field Director, Melghat Tiger Reserve vide his letter No.Desk-2/536, dt.31/8/2020 has offered his remarks that the proposed area for the project comprising 2.3 km passes from the non forest area of the eco sensitive zone of the Painganga Wild Life Sanctuary. Having considered the remarks of the Additional Principal Chief of Forests & Field Director, Melghat Tiger Reserve the CWLW vide his letter dt.3/9/2020 has offered his comments:-

‘सदर पर्यावरण संवेदनशील क्षेत्राची अंतीम अधिसूचना घोषित झालेली असल्यामुळे त्याकरीता जिल्हाधिकारी, यवतमाळ यांचे अध्यक्षतेखाली संनियंत्रण समिती आहे, त्यामुळे सदर प्रस्ताव संनियंत्रण समितीपुढे ठेवून त्याबाबत करावयाच्या उपशमन उपाययोजनाबाबत निर्णय होणे आवश्यक आहे, असे या कार्यालयाचे मत आहे’

- 4.8 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.



- 4.9 and proposed Compensatory Afforestation over 67.00 ha. double degraded Reserve Forest land in Survey/Gut No.155,14,187,8,70,16,1 & Compartment No.408,388A,74A,191B, 256,57A,763 of Village Karla, Hunda G.P., Nichpur, Gogharwadi, Jaldhara, Mahadapur, Wagdari Dist. Nanded and it is contiguous, suitable for afforestation and management purpose and it is free from encroachment and an encumbrances. *p/115*

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

- 5.1 to defray the cost of compensatory afforestation. *p/83, 81*
- 5.2 to defray the cost of Net Present Value of the forest land proposed under diversion. *p/82*
- 6.0 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. *p/106*

- 7.00 The Deputy Conservator of Forests, Nanded Forest Nanded and Chief Conservator of Forest (T), Aurangabad have recommended the proposal for diversion of 33.420 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 Forest land will be handed over only after required non-forest land for the project is handed over to the User Agency.
- 7.3 **Compensatory Afforestation :-**
- a) Compensatory afforestation shall be taken up by the Forest Department over 67.00 ha. double degraded Reserve Forest land in Survey/Gut No.155,14,187,8,70,16,1 & Compartment No.408,388A,74A,191B, 256,57A,763 of Village Karla, Hunda G.P., Nichpur, Gogharwadi, Jaldhara, Mahadapur, Wagdari Dist. Nanded 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.
- b) The non forest land which has been transferred and mutated in favour of the State Forest Department.
- 7.4 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.

**7.5 NPV:-**

- a) The State Government shall charge the Net Present Value (NPV) for the 33.420 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.
- 7.6 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.
- 7.7 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/>)
- 7.8 The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector before Stage I approval.
- 7.9 As the proposed area for the project comprising 2.3 km passes from the non forest area of the eco sensitive zone of the Painganga Wild Life Sanctuary. The project proponent shall meet the cost for implementation of the mitigation measures as suggested by the Monitoring Committee under the Chairmanship of the Collector, Yavatmal.
- 7.10 User Agency shall raise strip plantation on both sides and central verge of the road as per the IRC norms.
- 7.11 Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/Forest Areas.
- 7.12 It Shall mandatory to provide underpass for safe crossing of wild animals
- (a) The underpass shall have a minimum size of width 4.00 mt and Height 3.00 mt.
  - (b) Wherever natural cross drainage works are in existence, then no need to construct new underpass subject to existing structure nearly complying above mentioned dimensions, as suggested in (a) above.
  - (c) Wherever natural cross drainage works are in existence but as per engineering requirement, it is required to reconstruct then that structure shall comply with the minimum dimensions as suggested in (a) above.
  - (d) Interval between such underpasses shall not be more than 2.00 km
- 7.13 The user agency shall provide suitable under/over pass in Protected Area/ Forest Area as per recommendation of CWLW/NBWL/FAC/REC.
- 7.14 User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
- 7.15 The layout plan of the proposal shall not be changed without prior approval of Central Government.



- 32
- 7.16 No labour camp shall be established on the forest land.
  - 7.17 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.
  - 7.18 The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
  - 7.19 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
  - 7.20 The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
  - 7.21 The forest land shall not be used for any purpose other than that specified in the project proposal.
  - 7.22 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.
  - 7.23 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.
  - 7.24 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.
  - 7.25 The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>)

(Dr. N Rambabu)  
Principal Chief Conservator of Forests  
(Head of Forest Force)  
Maharashtra State, Nagpur

M/S 28/9/2020 S.D. Wadhwa  
28/9/2020



**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 33.420 ha. forest land for Upgradation to Two Lanes with paved shoulder to Four Lane Configuration of Nanded-Kinwat-Mahur-Arni road section of National Highway 161A 0.00km at Bhoker and end at Arni Fata via Sarsam-Himayatnagar-Kinwat-Mahur of Nanded District in the State of Maharashtra. (FP/MH/Road/25848/2017). The details of land proposed for diversion is as under-

Sr. No	Item work purpose	Village wise Chainage	Village Name	Gut No.	Compt. No.	Area (in ha)	Legal Status
1	Diversion of 33.420 ha. forest land for Upgradation to Two Lanes with paved shoulder/ Four Lane Configuration of Nanded-Kinwat-Mahur-Arni road section of National Highway 161A 0.00km at Bhoker and end at Arni Fata via Sarsam-Himayatnagar-Kinwat-Mahur of Nanded District in the State of Maharashtra	51740	Isapur	101	233	0.480	Reserved Forest
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Total Forest Area (in ha.)						33.420	

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

(Sanjeev Gaur)

Additional Principal Chief Conservator of Forests  
& Nodal Officer

Date: 6/10/2020

Place: Nagpur



38

**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](mailto:apccfnodal@mahaforest.gov.in)

Sub:- Proposal for diversion of 33.420 ha. forest land for Upgradation to Two Lanes with paved shoulder to Four Lane Configuration of Nanded-Kinwat-Mahur-Arni road section of National Highway 161A 0.00km at Bhoker and end at Arni Fata via Sarsam-Himayatnagar-Kinwat-Mahur of Nanded District in the State of Maharashtra. (FP/MH/Road/25848/2017).

No. : Desk-17/NC/I/ID- /587 /20-21

Nagpur - 440 001, Dated :- 6/10/2020

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

The Executive Engineer, National Highways Authority of India, Nanded submitted proposal for diversion of 33.420 ha. forest land for Upgradation to Two Lanes with paved shoulder to Four Lane Configuration of Nanded-Kinwat-Mahur-Arni road section of National Highway 161A 0.00km at Bhoker and end at Arni Fata via Sarsam-Himayatnagar-Kinwat-Mahur of Nanded District in the State of Maharashtra. The details of forest land proposed for diversion is as given below: -

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18		112780	Sarkhani	123	34	7.776	
		Total Forest Area (in ha.)				33.420	

3.00 The proposal has been initiated by the Executive Engineer, National Highways Authority of India, Nanded for seeking approval under Forest (Conservation) Act, 1980 for Upgradation to Two Lanes with paved shoulder to Four Lane Configuration of Nanded-Kinwat-Mahur-Arni road section of National Highway 161A 0.00km at Bhoker and end at Arni Fata via Sarsam-Himayatnagar-Kinwat-Mahur of Nanded District in the State of Maharashtra. The existing road alignment passes through Forest area in a length of 147.650 Km in from chainage Km 51740 to Km 112780 in the Districts of Nanded. Total non forest involved in the project is 327.049 ha. The project is approved vide Government of India, Ministry of Road Transport & Highways (Project Zone-6) letter No. NH-12014/172/2016-MAH(P-6), Dated 20/02/2017. The site inspection report of the Deputy Conservator of Forests, Nanded Forest Division, Nanded is enclosed on page no. 11 to 13.

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, Nanded Forest Division, Nanded, 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 having density less than 0.4 comes under Southern Tropical Dry Deciduous Forest.



- 4.3 there are 2115 trees of various species and trees is involved in implementation of the Project. The Girth wise break up is as under:-

Tree Girth in Cm						
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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.
- 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 Eco Sensitive Zone of the Painagnga WLS has been notified by the MoEF & CC on 30/11/2016. In this regard the Additional Principal Chief of Forests & Field Director, Melghat Tiger Reserve vide his letter No.Desk-2/536, dt.31/8/2020 has offered his remarks that the proposed area for the project comprising 2.3 km passes from the non forest area of the eco sensitive zone of the Painganga Wild Life Sanctuary. Having considered the remarks of the Additional Principal Chief of Forests & Field Director, Melghat Tiger Reserve the CWLW vide his letter dt.3/9/2020 has offered his comments:-

‘सदर पर्यावरण संवेदनशील क्षेत्राची अंतीम अधिसूचना घोषित झालेली असल्यामुळे त्याकरीता जिल्हाधिकारी, यवतमाळ यांचे अध्यक्षतेखाली संनियंत्रण समिती आहे, त्यामुळे सदर प्रस्ताव संनियंत्रण समितीपुढे ठेवून त्याबाबत करावयाच्या उपशमन उपाययोजनाबाबत निर्णय होणे आवश्यक आहे, असे या कार्यालयाचे मत आहे’

- 4.8 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.
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- 5.00 **The User Agency has submitted an undertaking that:-**
- 5.1 to defray the cost of compensatory afforestation.
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- 6.0 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.

- 7.00 The Deputy Conservator of Forests, Nanded Forest Nanded and Chief Conservator of Forest (T), Aurangabad have recommended the proposal for diversion of 33.420 ha. of forest land.
- 8.00 **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: –**
- 8.1 The legal status of the forest land required will remain unchanged.
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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.

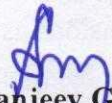
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  - (a) The underpass shall have a minimum size of width 4.00 mt and Height 3.00 mt.
  - (b) Wherever natural cross drainage works are in existence, then no need to construct new underpass subject to existing structure nearly complying above mentioned dimensions, as suggested in (a) above.
  - (c) Wherever natural cross drainage works are in existence but as per engineering requirement, it is required to reconstruct then that structure shall comply with the minimum dimensions as suggested in (a) above.
  - (d) Interval between such underpasses shall not be more than 2.00 km
- 8.13 The user agency shall provide suitable under/over pass in Protected Area/ Forest Area as per recommendation of CWLW/NBWL/FAC/REC.
- 8.14 User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
- 8.15 The layout plan of the proposal shall not be changed without prior approval of Central Government.
- 8.16 No labour camp shall be established on the forest land.



- 8.17 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.
- 8.18 The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
- 8.19 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- 8.20 The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less.
- 8.21 The forest land shall not be used for any purpose other than that specified in the project proposal.
- 8.22 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.
- 8.23 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.
- 8.24 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.
- 8.25 The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>)

9.00 It is therefore, requested that Government of India may kindly be moved for approving the proposal for diversion of 33.420 ha. forest land for Upgradation to Two Lanes with paved shoulder to Four Lane Configuration of Nanded-Kinwat-Mahur-Arni road section of National Highway 161A 0.00km at Bhoker and end at Arni Fata via Sarsam-Himayatnagar-Kinwat-Mahur of Nanded District in the State of Maharashtra, under section 2 (ii) of the Forest (Conservation) Act, 1980.

Encl. :- Proposal 2 copies

  
(Sanjeev Gaur)  
Addl. Principal Chief Conservator of Forests  
& Nodal Officer

Copy to the Chief Conservator of Forests (Territorial), Aurangabad for information.

Copy to the Deputy Conservator of Forests, Nanded Forest Division, Nanded for formation.

Copy to the Executive Engineer, National Highways Authority of India, Nanded for information.