

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 0.379 ha. Reserved Forest land under section-2 of the Forest (Conservation) Act, 1980 for upgradation of Nira-Baramati State Highway Road No.121 (Chainage 63/00 to 63/894) at Village Pandare, Tal. Baramati, Dist. Pune in the State of Maharashtra (FP/MH/Road/152323/2022). The details of land proposed for diversion is as under-

Sr. No	Item work purpose	District	Taluka	Name of Village	Gut No.	Length & Width	Area (in ha)	Legal Status
1	Upgradation of Nira-Baramati State Highway Road No.121 (Chainage 63/00 to 63/894) at Village Pandare, Tal. Baramati, Dist. Pune in the State of Maharashtra	Pune	Baramati	Pandare	435	irregular	0.069	Reserved Forest
2					428		0.310	
Total Forest Land (in ha.)							0.379	

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


28/11/22

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

Date: 23/11/2022

Place: Nagpur

Proposal for diversion of 0.379 ha. Reserved Forest land under section-2 of the Forest (Conservation) Act, 1980 for upgradation of Nira-Baramati State Highway Road No.121 (Chainage 63/00 to 63/894) at Village Pandare, Tal. Baramati, Dist. Pune in the State of Maharashtra (FP/MH/Road/152323/2022)

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.

- 1) Proposal is for diversion of 0.379 ha. Reserved Forest land under section-2 of the Forest (Conservation) Act, 1980 for upgradation of Nira-Baramati State Highway Road No.121 (Chainage 63/00 to 63/894) at Village Pandare, Tal. Baramati, Dist. Pune in the State of Maharashtra (FP/MH/Road/152323/2022) has been initiated by the Assistant Engineer, Grade-I, PWD, Sub-Division, Baramati for seeking approval under Forest (Conservation) Act, 1980.
- 2) As per Government rules and regulation Black Spot/accidental spots should be improved so that roads should be having Zero tolerance limit for Black Spots. So as to avoid accident as well as lives of valuable peoples improvement of roads with improvement of "S" curve is required. The chainage Km 63/00 to 64/00 passes through forest land. The road development/improvement requires Forest land having area 0.379 ha.

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

Sr. No	Item work purpose	District	Taluka	Name of Village	Gut No.	Length & Width	Area (in ha)	Legal Status
1	Upgradation of Nira-Baramati	Pune	Baramati	Pandare	435	irregular	0.069	Reserved Forest
2	State Highway Road No.121 (Chainage 63/00 to 63/894) at Village Pandare, Tal. Baramati, Dist. Pune in the State of Maharashtra				428		0.310	
Total Forest Land (in ha.)							0.379	

- 4) The total non forest involved in project is 0.773 ha.
- 5) The Cross section map is enclosed herewith on page no.87
- 6) The copy of the Administrative approval accorded by the Government of Maharashtra vide letter No. PLN-2020/CR-(828)/N-3, dated 26/02/2020.
- 7) The copy of the technical approval accorded by the Chief Engineer, Public Works Region, Pune vide letter No.Ap/Road/133, dated 07/01/2021.

- 8) The site inspection report of the Deputy Conservator of Forests, Pune Forest Division, Pune is enclosed on page no.18 to 21.
- 9) No alternate alignment is possible and the forest land required is barest minimum.
- 10) The area belongs to Eco-value class-III having density is 0.01 (Open Forest).
- 11) There is no tree felling involved in the proposal.
- 12) The area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc.
- 13) Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.
- 14) There is no violation of Forest (Conservation) Act 1980.
- 15) Proposed project is not within 10 kms from National Park/Sanctuary.
- 16) Proposed Compensatory Afforestation over 0.40 ha. degraded Forest land in Gut No.143 at Village Sablewadi, Taluka, Baramati, Dist. Pune it is contiguous, suitable for afforestation and management purpose and it is free from encroachment and an encumbrances.
- 17) 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.
- 18) No suitable alternative non forest land is available for the purpose for use of forest for proposed project.
- 19) The User Agency has submitted an undertaking to defray the cost of Net Present Value
- 20) The User Agency has submitted an undertaking to defray the cost of Compensatory Afforestation.
- 21) The User Agency has submitted 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 formal approval as per Government of India vide letter No.11-43/2013-FC, dt.3/12/2018.
- 22) The Deputy Conservator of Forests, Pune Forest Division, Pune and Chief Conservator of Forest (T), Pune have recommended the proposal for diversion of 0.379 ha. of Reserved forest land.

2.00 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: –

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

2.2 Forest land will be handed over only after required non-forest land for the project is handed over to the User Agency.

2.3 Compensatory Afforestation :-

a) Compensatory afforestation shall be taken up by the Forest Department over 0.40 ha. degraded Forest land in Gut No.143 at Village Sablewadi, Taluka, Baramati, Dist. Pune 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.

2.4 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.

2.5 NPV:-

a) The State Government shall charge the Net Present Value (NPV) for the 0.379 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 and File No.5-3/2011-FC(Vol-I), dated 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.

2.6 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.

2.7 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/>)

2.8 The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.

2.9 User Agency shall raise strip plantation on both sides and central verge of the road as per the IRC norms.

2.10 Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/Forest Areas.

2.11 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

2.12 The user agency shall provide suitable under/over pass in Protected Area/ Forest Area as per recommendation of CWLW/NBWL/FAC/REC.

2.13 User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.

2.14 The layout plan of the proposal shall not be changed without prior approval of Central Government.

2.15 No labour camp shall be established on the forest land.

2.16 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.

2.17 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.

2.18 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.

2.19 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.

2.20 The forest land shall not be used for any purpose other than that specified in the project proposal.

2.21 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.

2.22 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.

2.23 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.

2.24 The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>)


(Dr. Y.L.P. Rao)

**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

Sub:- Proposal for diversion of 0.379 ha. Reserved Forest land under section-2 of the Forest (Conservation) Act, 1980 for upgradation of Nira-Baramati State Highway Road No.121 (Chainage 63/00 to 63/894) at Village Pandare, Tal. Baramati, Dist. Pune in the State of Maharashtra (FP/MH/Road/152323/2022)

No. : Desk-17/Nodal/Pune /I.D-13651(24)/2125/2022-23
Nagpur – 440 001, Dated 23/11/2022

To,
The Principal Secretary (Forests),
Revenue & Forest Department,
Mantralya, Mumbai – 400032

The Assistant Engineer, Grade-I, PWD, Sub-Division, Baramati has submitted proposal for diversion of 0.379 ha. Reserved Forest land under section-2 of the Forest (Conservation) Act, 1980 for upgradation of Nira-Baramati State Highway Road No.121 (Chainage 63/00 to 63/894) at Village Pandare, Tal. Baramati, Dist. Pune in the State of Maharashtra. The details of forest land proposed for diversion is as given below: -

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3.0 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 one copy.

- 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) The total non forest involved in project is 0.773 ha.
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- 6) The copy of the Administrative approval accorded by the Government of Maharashtra vide letter No. PLN-2020/CR-(828)/N-3, dated 26/02/2020.
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- 2.21 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.
- 2.22 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.
- 2.23 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.
- 2.24 The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>)
- 8.00 It is therefore, requested that Government of Maharashtra may kindly be moved for approving the proposal for diversion of 0.379 ha. Reserved Forest land under section-2 of the Forest (Conservation) Act, 1980 for upgradation of Nira-Baramati State Highway Road No.121 (Chainage 63/00 to 63/894) at Village Pandare, Tal. Baramati, Dist. Pune in the State of Maharashtra under section 2 (ii) of the Forest (Conservation) Act, 1980.

Encl. :- Proposal 1 copies

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

Copy to the Chief Conservator of Forests (Territorial) Pune for information.
Copy to the Deputy Conservator of Forests, Pune Forest Division, Pune for information.
Copy to the Assistant Engineer, Grade-I, PWD, Sub-Division, Baramati for information