

PART -IV

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**(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 2.00 ha. forest land under Forest (Conservation) Act, 1980 for construction of Administrative building and Residential Quarters of Arm Out Post at Manerajaram, Dist. Gadchiroli (FP/MH/OTHERS/43985/2020). The details of land proposed for diversion is as under-

Sr. No	Item work purpose	Name of Village	Comptt. No.	Area (in Sqm.)	Legal Status
1	Administrative building	Manerajaram	596	773.13	Reserved Forest
2	Police Staff Quarter	Manerajaram	596	1464.00	
3	Officer Quarter	Manerajaram	596	224.00	
4	Prefab Barrack	Manerajaram	596	439.20	
5	Mess Building	Manerajaram	596	117.12	
6	Morcha	Manerajaram	596	224.49	
7	Toilet Block	Manerajaram	596	41.52	
8	Bathroom Block	Manerajaram	596	22.42	
9	Open Space	Manerajaram	596	16694.12	
	TOTAL	Manerajaram	596	20000.00	
Total Forest Area (ha)				2.00	

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: /12/2020

Place: Nagpur

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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 2.00 ha. forest land under Forest (Conservation) Act, 1980 for construction of Administrative building and Residential Quarters of Arm Out Post at Manerajaram, Dist. Gadchiroli (FP/MH/OTHERS/43985/2020)

No. : Desk-17/NC/I/ID-12776/ 981 /2020-21

Nagpur - 440 001, Dated :- 05/01/2021

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

The Superintendent Police, Gadchiroli submitted Proposal for diversion of 2.00 ha. forest land under Forest (Conservation) Act, 1980 for construction of Administrative building and Residential Quarters of Arm Out Post at Manerajaram, Dist. Gadchiroli. The details of forest land proposed for diversion is as given below: -

Sr. No	Item work purpose	Name of Village	Comptt. No.	Area (in Sqm.)	Legal Status
1	Administrative building	Manerajaram	596	773.13	Reserved Forest
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8	Bathroom Block	Manerajaram	596	22.42	
9	Open Space	Manerajaram	596	16694.12	
	TOTAL	Manerajaram	596	20000.00	
Total Forest Area (ha)				2.00	

2.00 The User Agency i.e. 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 Manerajaram, Tal. Bhamragad, Dist. Gadchiroli and the forest land required is the barest minimum.

Noted
6/1/2021
(17/3)

- 3.00 The proposed forest land to be used by Police Department of Government of Maharashtra is for public interest.
- 4.00 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.
- 4.1 Prescribed form dated 10/01/2003.
- 4.2 Certificate regarding minimum demand of forest land for the project,
- 4.3 Area Statement,
- 4.4 Index map in suitable scale

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

- 5.1 no suitable alternate land is available and the forest land required is the barest minimum.
- 5.2 the area belongs to Eco-value class-III and having density is 0.6.
- 5.3 there are 403 trees of various species and girth in the area proposed for diversion. Girth class wise abstract is given as under:-

Tree Girth in Cm.									
31/45	46/60	61/75	76/90	91/105	106/120	121/135	136/150	Above 150	Total
150	83	53	40	15	21	15	12	14	403

- 5.4 the area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc.
- 5.5 proposed project is not likely to affect any monumental site of cultural, historical, religious, archaeological or recreational importance.
- 5.6 there is no violation of Forest (Conservation) Act 1980.
- 5.7 the proposed area for the project is beyond 10 km from the boundary of the protected area (Sanctuary and National Park).
- 6.00 **The User Agency has submitted an undertaking that:-**
- 6.1 to defray the cost of compensatory afforestation.
- 6.2 to defray the cost of Net Present Value of the forest land proposed under diversion.
- 6.3 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 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.

- 7.0 The Deputy Conservator of Forests, Bhamragad Forest Division, Allapalli and Chief Conservator of Forests (T), Gadchiroli Circle have recommended the proposal for diversion of 2.00 ha. of forest land.
- 8.0 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 infrastructure in Left Wing Extreme affected districts, wherein following 14 categories of public infrastructure have been mentioned:-
- School/ Educational Industries,
 - Dispensaries /Hospitals,
 - Electrical and Telecommunication Lines,
 - Drinking Water,
 - Water/Rain Water Harvesting Structures,
 - Minor Irrigation Canal,
 - Non-Conventional Sources of Energy,
 - Skill up Gradation/ Vocational Training Center,
 - Power Sub-Stations,
 - Public roads (including quarrying of materials to be used),
 - Communication Posts,
 - Police establishments like Police Stations/Outposts/Border Outposts/Watch Towers in sensitive area (identified by Ministry of Home Affairs); and
 - Underground optical fiber cables, telephone lines & drinking water supply lines.
 - Setting up Medical Colleges by Government Departments.
- 8.1 Present proposal involves diversion of 2.00 ha. forest land is covered under sr.no. (l) mentioned above.
- 8.2 The State Government vide letter No.FLD-2018/CR.143/F-10,dt.15/5/2018 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.11-9/98/-FC(LWE) dt.15/2/2018.
- 8.3 As per clause 2.6 of the Handbook under the FCA, 1980. The Provision for plantation of specified number of trees by way of CA in certain cases is as under:-
- The cost of plantation (including ten years maintenance) of ten times the number of trees likely to be felled or specified number of trees as may be specified in the order for diversion of forest land (subject to a minimum no. of 100 plants), shall be levied from the user agency towards compensatory afforestation.
 - Diversion of forest land upto 5.00 ha. in accordance with the General Approvals granted for activities carried out by Government Department in notified LWE Districts.
- 8.4 In the instant case the number of trees likely to be felled during the implementation of the project is 403. Therefore, the User Agency shall have to defray the cost for 4030 plants including 10 years maintenance.
- 9.00 In view of this, the proposal is recommended to be placed before the Committee constituted as per Government of Maharashtra G.R dt.15/5/2018 subject the following conditions:-**
- The legal status of the forest land required will remain unchanged.
 - The User Agency shall defray the cost towards the compensatory afforestation for 40300 plants including 10 years maintenance.

- 9.2 The forest land to be diverted shall not be used for any purpose other than specified in the project.
- 9.3 The User Agency will defray the cost of Net Present Value of 2.00 ha, of forest land proposed for diversion.
- 9.4 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.
- 9.5 The user agency shall obtain the environmental clearance, if required.
- 9.6 The User Agency shall defray the cost of removal of 403 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.
- 9.7 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.
- 9.8 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;
- 9.9 The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- 9.10 No labour camp shall be established on the forest land;
- 9.11 All necessary precautions should be taken to protect the area from fire.
- 9.12 The proposed diversion of forest land for the project will be confined to 2.00 ha only.
- 9.13 All other conditions as may be mandatory under relevant Acts, Rules and guidelines shall be complied with by the user agency.

10.00 It is therefore, requested that Government of Maharashtra may kindly be moved for approving the Proposal for diversion of 2.00 ha. forest land under Forest (Conservation) Act, 1980 for construction of Administrative building and Residential Quarters of Arm Out Post at Manerajaram, Dist. Gadchiroli 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 (T), Gadchiroli for information.

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

Copy to the Superintendent Police, Gadchiroli for information.

Proposal for diversion of 2.00 ha. forest land under Forest (Conservation) Act, 1980 for construction of Administrative building and Residential Quarters of Arm Out Post at Manerajaram, Dist. Gadchiroli (FP/MH/OTHERS/43985/2020)

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

- 1) The proposal is for diversion of 2.00 ha. forest land under Forest (Conservation) Act, 1980 for construction of Administrative building and Residential Quarters of Arm Out Post at Manerajaram, Dist. Gadchiroli. The details of the forest land proposed for diversion are as under :-

Sr. No	Item work purpose	Name of Village	Comptt. No.	Area (in Sqm.)	Legal Status
1	Administrative building	Manerajaram	596	773.13	Reserved Forest
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Total Forest Area (ha)				2.00	

- 2.00 The User Agency i.e. 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 Manerajaram, Tal. Bhamragad, Dist. Gadchiroli and the forest land required is the barest minimum.
- 3.00 The proposed forest land to be used by Police Department of Government of Maharashtra is for public interest.

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

- p/50 4.1 no suitable alternate land is available and the forest land required is the barest minimum.
- p/57 4.2 the area belongs to Eco-value class I-III and having density is 0.6.
- 4.3 there are 403 trees of various species and girth in the area proposed for diversion. Girth class wise abstract is given as under:-

p/58
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Tree Girth in Cm.									
31/45	46/60	61/75	76/90	91/105	106/120	121/135	136/150	Above 150	Total
150	83	53	40	15	21	15	12	14	403

- p/56 4.4 the area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc.
- p/55 4.5 proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance.
- p/51 4.6 there is no violation of Forest (Conservation) Act 1980.
- p/59 4.7 the proposed area for the project is beyond 10 km from the boundary of the protected area (Sanctuary and National Park).

5.00 The User Agency has submitted an undertaking that:-

- p/12 5.1 to defray the cost of compensatory afforestation.
- p/14 5.2 to defray the cost of Net Present Value of the forest land proposed under diversion.
- 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:-

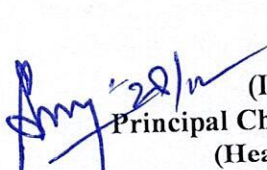

'Accordingly, it is clarified that within the time period stipulated for compliance of Stage I condition, Deputy Commissioner shall complete the process of compliance of FRA (including forwarding its findings to be concerned CF), hence for the purpose of the MoEF & CC, as per the provisions under the 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'.

p/45 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.

- 6.0 The Deputy Conservator of Forests, Bhamragad Forest Division, Allapalli and Chief Conservator of Forests (T), Gadchiroli Circle have recommended the proposal for diversion of 2.00 ha. of forest land.
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- 7.1 Present proposal involves diversion of 2.00 ha. forest land is covered under sr.no. (l) mentioned above.
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- 7.4 The Central Government has issued clarification and guidelines under the Forest (Conservation) Act, 1980 and the same has been published on 4/4/2019. As per clause 2.1 it is stated that Compensatory afforestation (CA) is one of the most important requirement/condition for prior approval of the Central Government for diversion of forest land for non-forest purpose and the purpose of compensatory afforestation (CA) is to compensate the loss of 'land by land' and loss of 'trees of trees.'
- 7.3 As per clause 4.4, Public infrastructure in LWE Districts. It is mentioned in clause 4.4.3 that CA is applicable for all such proposals involving area up to 40.00 ha. except for proposals up to 5.00 ha. with less than 50 trees per ha. (for areas 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). It appears that compensatory afforestation over non forest land equivalent to the forest land proposed for diversion shall applicable and therefore the same may be considered at the State Government level.

8.00 In view of this, the proposal is recommended to be placed before the Committee constituted as per Government of Maharashtra G.R dt.15/5/2018 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.
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- 8.10 The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
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- 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. N Rambabu)
Principal Chief Conservator of Forests
(Head of Forest Force)
Maharashtra State, Nagpur

22/12/20