

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 19.50 ha. forest land under Forest (Conservation) Act, 1980 for construction of Administrative building of Sub Police Station at Aheri, Tal. Aheri, in L.W.E Dist. Gadchiroli. The details of land proposed for diversion is as under-

Sr. No	Item work purpose	Name of Village	Survey No.	Comptt. No.	Area (in Sqm.)	Legal Status
1	Administrative building	Aheri	1	30	3720.17	Reserved Forest
2	Head Quarter Building				3959.71	
3	Rest House (G+1)				2048.38	
4	Officers Club				3099.45	
5	Parade Ground				36084.68	
6	M.T. Section				6005.37	
7	Hospital				1524.07	
8	Weapon Koth				8033.39	
9	Subsidies Canteen				1469.58	
10	Barrack for Reserve				4968.42	
11	Barrack /Mess for SRPF				4608.34	
12	Gymnasium				982.59	
13	Library				1236.7	
14	Addl.SP Bungalow				4206.67	
15	SDPO Bungalow				1561.76	
16	Type-III Quarter (G+4)		2	7809.31		
17	Type-II Quarter (G+4)		12	32416.85		
18	Future Expansion		1	19683.81		
19	Tennis Ground			1490.88		
20	Badminton Ground			934.80		
21	Indoor Game Hall			2573.04		
22	Indoor Firing Range			5758.56		
23	ATM/Shops/Others			6542.92		
24	Open Space			2918.52		
25	Area Under Road		31362.03			
Total Forest Area (ha)					19.50	

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

(Sanjeev Gaur)

Additional Principal Chief Conservator of Forests
& Nodal Officer,

Date: 17/09/2019

Place: Nagpur

Proposal for diversion of 19.50 ha. forest land under Forest (Conservation) Act, 1980 for construction of Administrative building of Sub Police Station at Aheri, Tal. Aheri, in L.W.E Dist. Gadchiroli.

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 19.50 ha Reserve forest land for construction of Administrative building of Sub Police Station at Aheri, Tal. Aheri, in LWE Dist. Gadchiroli. The details of the forest land proposed for diversion are as under :-

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1	Administrative building	Aheri	1	30	3720.17	Reserved Forest
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8	Weapon Koth				8033.39	
9	Subsidies Canteen				1469.58	
10	Barrack for Reserve Party				4968.42	
11	Barrack /Mess for SRPF Group				4608.34	
12	Gymnasium				982.59	
13	Library				1236.7	
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21	Indoor Game Hall			2573.04		
22	Indoor Firing Range			5758.56		
23	ATM/Shops/Others Service Area			6542.92		
24	Open Space			2918.52		
25	Area Under Road			31362.03		
Total Forest Area (ha)					19.50	

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 Aheri, Tal. Aheri, 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, Allapalli Forest Division, Allapalli has certified that:-

- 4.1 no suitable alternate land is available and the forest land required is the barest minimum.
4.2 the area belongs to Eco-value class-III and having density is 0.4.
4.3 there are 3203 trees of various species and girth in the area proposed for diversion. Girth class wise abstract is given as under:-

Tree Girth in Cm.									
35/45	45/60	60/75	75/90	90/105	105/120	120/135	135/150	Above 150	Total
426	513	317	207	114	93	71	54	47	1844
127	228	220	218	156	143	102	90	75	1359
553	741	537	425	270	238	173	144	122	3203

- 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 proposed area for the project is beyond 10 km from the boundary of the protected area (Sanctuary and National Park).
4.8 and proposed compensatory afforestation over 39.00 ha degraded forest land in Comptt. No. 4 of village Barewada, Tal. Aheri in Range Pirmili of Gadchiroli District and it is contiguous, suitable for afforestation and management purpose and it is free from encroachment and an encumbrances.

5.00 The User Agency has submitted an undertaking that:-

- 5.1 to defray the cost of compensatory afforestation.
5.2 to defray the cost of Net Present Value of the forest land proposed under diversion.

6.0 **The Collector, Gadchiroli has issued certificate-**

6.1 under the Schedule Tribes and Other Traditional Forest Dweller's (Recognition of Forest Rights) Act 2006 issued vide their letters No. Desk-3/AK/Land-1/CR-24/Ws/166/2018, dt.15/01/2018, prescribed format Form- II as per Government of India guidelines dated 5/7/2013.

7.0 The Deputy Conservator of Forests, Allapalli and Chief Conservator of Forests (T), Gadchiroli Circle have recommended the proposal for diversion of 19.50 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:-

- a. School/ Educational Industries,
- b. Dispensaries /Hospitals,
- c. Electrical and Telecommunication Lines,
- d. Drinking Water,
- e. Water/Rain Water Harvesting Structures,
- f. Minor Irrigation Canal,
- g. Non-Conventional Sources of Energy,
- h. Skill up Gradation/ Vocational Training Center,
- i. Power Sub-Stations,
- j. Public roads (including quarrying of materials to be used),
- k. Communication Posts,
- l. Police establishments like Police Stations/Outposts/Border Outposts/Watch Towers in sensitive area (identified by Ministry of Home Affairs); and
- m. Underground optical fiber cables, telephone lines & drinking water supply lines.
- n. Setting up Medical Colleges by Government Departments.

8.1 Present proposal involves diversion of 19.50 ha. forest land with felling of 3203 number of trees (More than 50 trees per ha.) Some of the components i.e. gymnasium, Tennis Ground, Indoor Game Hall, Badminton Ground hall, ATM/ Shops, officer club, Rest House etc., may not fall in the categories mentioned above. Therefore it is felt that diverting fully stocked Reserved Forest area for such activities may not be in conformity with the spirit of Forest (Conservation) Act, 1980.

8.2 However the User Agency (Superintendent of Police, Gadchiroli) has pointed out that the proposed unit in LWE, Gadchiroli is unavoidable to achieve the objective of controlling naxal activities. In view of the same it is recommended that the proposal be placed before the Committee under the Chairmanship of Principal Secretary (Forests), Government of Maharashtra constituted vide Government of Maharashtra Resolution No.FLD-2018/CR.143/F-10.dt.15/5/2018.

8.3 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(I.WE) dt.15/2/2018.

8.4 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.'

8.5 As per clause 2.5, the Special provisions for CA for certain categories of project has been clarified from (a) to (h) wherein sub clause (i) states that CA shall be raised and maintained at the cost of the user agency on degraded forest land twice in extent of the forest area diverted in the cases of. The present proposal does not fit in to the categories as mention above.

8.6 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.

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:-

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

9.2 The compensatory afforestation shall be raised over 39.00 ha degraded forest land in Comptt. No. 4 of village Barewada, Tal. Aheri in Range Pirmili of Gadchiroli District.

9.3 The User Agency shall defray the cost towards the compensatory afforestation at the prevailing rates.

9.4 The forest land to be diverted shall not be used for any purpose other than specified in the project.

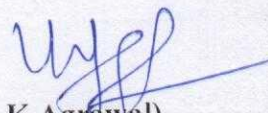
9.5 The User Agency will defray the cost of Net Present Value of 19.50 ha, of forest land proposed for diversion.

9.6 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.

9.7 The user agency shall obtain the environmental clearance, if required.

9.8 The User Agency shall defray the cost of removal of 3203 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.

- 9.9 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;
- 9.10 The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- 10.0 No labour camp shall be established on the forest land;
- 10.1 All necessary precautions should be taken to protect the area from fire.
- 10.2 The proposed diversion of forest land for the project will be confined to 19.50 ha only.
- 10.3 All other conditions as may be mandatory under relevant Acts, Rules and guidelines shall be complied with by the user agency.



(U.K. Agrawal)

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