



भारतसरकार  
GOVERNMENT OF INDIA  
पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय  
MINISTRY OF ENVIRONMENT, FORESTS  
& CLIMATE CHANGE

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F.No. FC-II/MH-82/2018-NGP ५२५५

Date: 10.09.2018

To,

✓ The Secretary,  
Revenue and Forest Department,  
Hutatma Rajguru Chowk  
Madam Cama Marg  
Mantralaya, Mumbai - 400032.

Sub: Diversion of 28.667 ha of forest land in favour of National Highway Authority of India (NHAI), PIU, Nagpur for construction of Brahmapuri - Armori section (km 7.300 to km 48.400) to Nagpur-Umred-Naghbir National Highway (NH-353 D) in Nagpur District in the state of Maharashtra - Regarding.

Sir,

The undersigned is directed to refer to State Government of Maharashtra letter no. FLD-2018/C.R.214/F-10 dated 18.07.2018 and APCCF & Nodal Officer (FCA), Maharashtra letter no. Desk-17/NC/I/I.D- /850/17-18 dated 13.07.2018 on the above subject seeking prior approval of the Central Government under Section-2 of the Forest (Conservation) Act, 1980 and APCCF & Nodal Officer (FCA), Maharashtra letter no. Desk-17/NC/RS-I/ID-12611/1091/18-19 dated 27.08.2018 forwarding additional information as sought by this Office vide letter of even number dated 08.08.2018 and to say that the said proposal has been examined and recommended by the Regional Empowered Committee constituted under Section - 4 of the Forest (Conservation) Act, 1980.

After careful examination of the proposal of the State Government and on the basis of the approval of the proposal by the Regional Empowered Committee, the Central Government hereby accords 'in-principle' under Section - 2 of the Forest (Conservation) Act, 1980 for diversion of 28.667 ha of forest land in favour of National Highway Authority of India (NHAI), PIU, Nagpur for construction of Brahmapuri - Armori section (km 7.300 to km 48.400) to Nagpur-Umred-Naghbir National Highway (NH-353 D) in Nagpur District in the state of Maharashtra subject to the fulfilment of the following conditions:

- (i) Legal status of the diverted forest land shall remain unchanged;
- (ii) Compensatory afforestation, over degraded forest land of 58.014 ha, shall be raised by the State Forest Department at the cost of User Agency;
- (iii) 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.



- (iv) The State Government shall charge the Net Present Value (NPV) of the forest land being diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC dated 05.02.2009 in this regard;
- (v) At the time of payment of the Net Present Value (NPV) at the then prevailing rate, the User Agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- (vi) All the funds received from the user agency under the project, except the funds realized for regeneration/ demarcation of safety zone, shall be transferred to Ad-hoc CAMPA in the Saving Bank Account pertaining to the State concerned;
- (vii) The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- (viii) The boundary of the diverted forest land shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, forward and back bearing and distance from pillar to pillar;
- (ix) Wherever possible and technically feasible, the User Agency shall undertake afforestation measures along the roads within the area diverted under this approval, in consultation with the State Forest Department at the project cost;
- (x) The user agency will provide retaining walls, breast walls and drainage as per requirement to make the slope stable.
- (xi) The User agency will undertake comprehensive soil conservation measures at the project cost in consultation with the State Forest Department.
- (xii) The designing of culverts/bridges, if any, over the natural streams/rivers/canals should be done in such a manner that it does not hamper the natural course of water, does not give rise to water-logging, and also does not hamper movement of wild animals;
- (xiii) No labour camp shall be established on the forest land;
- (xiv) The User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
- (xv) All structures proposed for crossing in the forest patches should be of box culverts type with optimum height. Provisions of guided fencing, in consultation with the State Forest Department, shall be provided on either side of such culverts upto a length of 100 meters to guide the wildlife to cross the road through the proposed road crossing only.
- (xvi) Portion of the existing road (corresponding to re-alignment) falling in the forest land should be dismantled and planted with trees at the cost of the User Agency.
- (xvii) The forest land shall not be used for any purpose other than that specified in the proposal;
- (xviii) The layout plan of the proposal shall not be changed without the prior approval of the Central Government;





- (xix) 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;
- (xx) No damage to the flora and fauna of the adjoining area shall be caused;
- (xxi) Felling of trees shall be restricted to 1508 trees. Any tree felling shall be done only when it is unavoidable and that too under strict supervision of the State Forest Department;
- (xxii) Project affected trees (1288) falling in girth class of 60 cm and below should be translocated by the User Agency/State Government at the cost of User Agency by using tree translocating machines wherever possible;
- (xxiii) Following additional conditions, recommended by the PCCF, State Government of Maharashtra at the time of submission of the proposal, shall be complied with by the user agency;
- (a) Space at the cost of Project Authority should be provided in the form of Booths/Kiosk/Hall etc, at roads indicated by Forest Department to facilitate setting up of Forest Check Nakas or Jan-Van-Dhan Stall/ Information Centers by the Forest Department.
- (xxiv) 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 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;
- (xxv) The State Government shall complete settlement of rights, in terms of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted and submit the documentary evidence as prescribed by this Ministry in its letter No. 11-9/1998-FC (pt.) dated 03.08.2009, in support thereof. The certificate submitted by the Collector is giving conflicting message. On one side Collector is writing that the process has been completed and at the same time he is writing that (Not applicable as there are no habitats belonging to Scheduled Tribes and Other Traditional Forest Dwellers as per letter of MoEF F.No. 11-9/98-FC (pt) dated 05.02.2013.
- (xxvi) Certificates from the DCF concerned, regarding location of the area outside/within 10 Km of distance from the boundary of Protected Areas shall be submitted along with the compliance report.
- (xxvii) The User Agency shall submit six monthly self-compliance reports as on 1<sup>st</sup> January and 1<sup>st</sup> July of every year to this office as well as to the Nodal Officer of the State
- (xxviii) The State Government shall monitor compliance of conditions of Forest Clearance and shall submit in this regard yearly report as on 31<sup>st</sup> December of every year;
- (xxix) 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 forests & wildlife; and



(xxx) 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 project.

(xxxi) Grant of working permission to the extant proposal may be considered by the State Government in accordance with the provisions as contained in the MoEF&CC's Guidelines dated 28.08.2015.

After receipt of a report on the compliance of conditions no (iii), (iv), (vi) and undertakings, duly authenticated by the competent authority in the State Government, in respect of all other conditions, from the State Government, formal approval will be considered in this regard under Section-2 of the Forest (Conservation) Act, 1980. The transfer of forest land to the User Agency shall not be affected by the State Government till formal order approving the diversion of forest land is issued by the Central Government.

Yours faithfully,



**(Dr. E Arockia Lenin)**  
Scientist 'C'

Copy to:

- i. The PCCF, Government of Maharashtra, Nagpur.
- ii. The Addl. PCCF & Nodal Officer (FCA), Government of Maharashtra, Nagpur.
- iii. Director (RoHQ), Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jorbagh Road, Aliganj, New Delhi.
- iv. User agency.
- v. Guard file.



**(Dr. E Arockia Lenin)**  
Scientist 'C'