

**PART - V**

**(To be filled up by the Secretary In charge of Forest Department or by any other authorized officer of the State Government not below the rank of an Under Secretary)**

**1. Recommendation of the  
State Government**

The Proposal is recommended  
vide Government letter  
No.FLD-2018/CR-285/F-10  
Dated: 31.10.2018

*Virendra Tiwari*

**( Virendra Tiwari )**

Additional Principal Chief Conservator of Forests (Mantralaya)

**Place: Mumbai**

**Date: 31.10.2018.**

**VIRENDRA TIWARI**  
Additional Principal  
Chief Conservator of Forests (Mantralaya)  
Revenue and Forest Department  
Mantralaya, Mumbai 400 032

Government of Maharashtra

**By Speed Post**

No.FLD-2018/C.R.285/F-10  
Revenue and Forest Department,  
Madame Cama Road,  
Hutatma Rajguru Chowk,  
Mantralaya, Mumbai – 400 032.  
Date: 31.10.2018

To,  
The Additional Principal Chief Conservator of Forests (Central),  
Ministry of Environment, Forests & Climate Change,  
Government of India,  
Regional Office, West Central Region,  
Ground Floor, East Wing,  
New Secretariat Building, Civil Lines,  
Nagpur-440 001.

**Subject: Proposal for diversion of 6.53 ha. Grass / Zudpi Jungle land at Gondia Khurd, Tal. & Dist. Gondia under Category II [Zudpi Jungle Under Encroachments (excluding commercial purpose) prior to 12.12.1996 using simplified procedure] in consolidated form under Forest (Conservation) Act, 1980 in accordance with the procedure prescribed as per Government of India, Ministry of Environment & Forest's letter No. No.8-33/2001-Fc, dt.04.03.2014.**

Sir,

Govt. of India, Ministry of Environment & Forests, vide their letter dated 04.03.2014 have approved simplified procedure for submission of diversion proposals for Zudpi Jungle under Forest (Conservation) Act, 1980, as requested by Govt. of Maharashtra vide letter dated 03.07.2013. The proposals are to be prepared for six categories separately. Govt. of India has also prescribed special dispensation for submission of documents along with the proposal. Though Government of India has prescribed submission of proposals in a consolidated manner for a Taluka, it has been subsequently agreed that for a particular category and a particular Taluka more than one proposal may be submitted by the concerned Sub Divisional Officer (SDO) so that the process of preparation and approval of proposals may be fastened.

2. The Word Zudpi Jungle is in use in Vidarbha area since the settlement of 1911-12. The word "Shrub Jungle" is defined in Central Provinces Grazing & Nistar Act, 1948, & it covers the lands having trees of 4 years or lesser and land covered by shrubs. The settlement of 1911-12 in Nagpur district classified forest as they existed as "big tree forests" and "small tree forests", & land covered with shrubs were described as "Zudpi Jungle". The entry therefore actually meant land on which only shrubs grew. These lands are of murmadi soil where growth of large trees is not possible. Therefore these lands are commonly known as Zudpi Jungle.

3. The growth in urban areas of Village Gondia, Khurd, Taluka and District Gondia is hampered by existence of these patches of Zudpi Jungle to which provisions of Forest (Conservation) Act are applicable. In response to the proposal of Government of Maharashtra the Government of India granted permission to submit proposal for diverting Zudpi Jungle for public purpose under simplified procedure under the Forest (Conservation) Act-1980 vide Government of India MoEF (FC Division) Communication No. R.No.8-33/2-1-FC, decision

of 4<sup>th</sup> March 2014. As per clause 2 of the said communication the Ministry will accept submission of category wise proposal for diversion of Zudpi Jungle lands. It is further stated in the communication that the user agency may be SDO in part-I but the details of Zudpi land should be provided for different villages and Khasra wise separately along with the digital maps. It is further stated that legal status of Zudpi Jungle lands for diversion shall remain the same; the State Government shall not use the Zudpi Jungle land for the purpose other than specified in the diversion proposal. In accordance with the simplified procedure, the instant proposal is being submitted. The proposal belongs to Category -II (Zudpi Jungle for Encroachment (excluding commercial propose) prior to 12.12.1996 using simplified procedure} and the details are as below:-

4. Additional Chief Conservator of Forests and Nodal Officer, Maharashtra State, Nagpur has submitted proposal for diversion of 6.53 ha. Zudpi Jungle land at Gondia Khurd, Tal. Dist. Gondia under Category II [Zudpi Jungle Under Encroachments (excluding commercial purpose) prior to 12/12/1996 using simplified procedure] in consolidated form under Forest (Conservation) Act, 1980 in accordance with the procedure prescribed as per Government of India, Ministry of Environment & Forest's letter No. No.8-33/2001-FC,dt.04.03.2014. The details of project area are as follows –

Item of work purpose	Village Name	Survey No	Area (in ha.)	Legal Status
Regularization of Encraochment at Sanjay Nagar Village, Gondia Khurd. Tal & Dist. Gondia	Gondia Khurd	385/1, C-1	4.57	Grass
		385/2	1.28	Zudpi Jungle
		385/4	0.68	
<b>Total Zudpi Jungle</b>			<b>6.53 ha.</b>	

5. The area belongs to Eco class value III and having density of forest is 0.1 southern tropical dry deciduous forests as per Site Inspection Report of the Deputy Conservator Forests, Gondia Forest Division Gondia.

6. The Deputy Conservator of forest Gondia has certified that the proposed project is beyond 10 km of the boundary of the Protected Area (Sanctuary and National Park).

7. There is no cutting and felling of trees involved in this project.

8. The Sub Divisional Officer, Gondia and Deputy Conservator of Forests, Gondia have certified that no suitable alternate land is available and the zudpi forest land required is the lowest minimum.

9. The Deputy Conservator of Forests, Gondia has certified that proposed area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc.

10. The Deputy Conservator of Forest, Gondia has certified that the proposal does not affect any monumental site of cultural, historical, religious, archeological or recreational importance.

11. The User Agency has submitted the certificate of Collector, Gondia under Schedule Tribes and Other Traditional Forest Dweller's (Recognition of Forest Rights) Act, 2006.
12. The user agency and Deputy Conservatory of Forests, Gondia has submitted demarcation certificate of the proposed area.
13. The user agency has submitted consolidated digital maps with proposal.
14. The Government of Maharashtra has requested Government of India for exemption of Net Present Value for the regularization of these lands as decided in the Forest Advisory committee meeting dated 26.10.2017 stand & since they have been erroneously classified as forest these lands are under use of agriculture/non-forest/village/Government use etc. hence need to be regularized included the status of forest also, needs to be withdrawn.
15. Government of India, Ministry of Environment, Forests and Climate Change, Regional Office, Nagpur inter-alia decided to return the proposal to the State Government as per Ministry's letter dated 07.08.2018 and request to move an application to Hon'ble Supreme Court and seek permission to get area of Zudpi Jungle land under Category I and Category II (As specified in simplified procedure dated 04.03.2014) out of the purview of definition of "Forest".

In this regard, it is submitted that the State Government vide letter dated 06.06.2018, constituted a Committee under the chairmanship of Divisional Commissioner, Nagpur to propose measures to further simplify the procedure of diversion of Zudpi Lands. However, the Committee has already submitted its report to State Government on 4<sup>th</sup> July, 2018. The Committee has recommended the measures for simplification, while submitting the diversion proposal as well as recommended to consider approaching the Hon'ble Supreme Court through an Interlocutory Application to exempt Zudpi Lands from the purview of the Forest (Conservation) Act, 1980. The State Government vide letter dated 23.08.2018 has accepted the said report and also moved the Ministry to accept the measures suggested by the Said Committee for simplification in submission of diversion proposal. The State Government has also directed the Divisional Commissioner, Nagpur to take necessary action for filling the Interlocutory Application before the Hon'ble Supreme Court. The Divisional Commissioner, Nagpur vide his letter dated 21.09.2018 has submitted the draft of the Interlocutory Application to the State Government.

It is submitted that in such a situation, it shall be proper to accept and scrutinize such diversion proposals for diversion under simplified procedures.

16. The Principal Chief Conservator of Forests (HoFF), Maharashtra State, Nagpur has recommended the proposal subject to the conditions, given in his specific recommendations, under Section-2 (ii) of the Forest (Conservation) Act, 1980. His specific recommendations are enclosed in the proposal.
17. In the circumstances explained in the aforesaid paragraphs and enclosures, the State Government recommends that the said Forest land may be allowed to be diverted on the conditions proposed by the Principal Chief Conservator of Forests (HoFF), Maharashtra State, Nagpur. The matter may kindly be placed before the Government of India for its approval under

Section-2 (ii) of the Forest (Conservation) Act, 1980, be obtained and communicated to this Government at earlier.

Proposal Recd

यशवंत रामजी डाहाके

Yours faithfully,

Virendra

(Virendra Tiwari) 31/10

Additional Principal Chief Conservator of Forests (Mantralaya)

VIRENDRA TIWARI

Additional Principal

Chief Conservator of Forests (Mantralaya)

Revenue and Forest Department

Mantralaya, Mumbai 400 032

Encl: A) Set of case papers

b) The following documents are enclosed:-

1. Prescribed form as per Rules.
2. Certificate regarding minimum demand for forest land for the project
3. Area Statement
4. Index map of suitable scale & other maps.
5. Brief note of the project from the project authority
6. Site Inspection Report.
7. Certificate in Part V.

Copy to:

1. Principal Secretary, Tribal Development Department, Mantralaya, Mumbai.
2. Additional Principal Chief Conservator of Forests and Nodal Officer, Maharashtra State Nagpur with reference to his letter No.Desk-17/NC/II.D./12634/1423/18-19, Date 17.10.2018.
3. Additional Principal Chief Conservator of Forests (CAMPA), Maharashtra State, Nagpur.
4. Chief Conservator of Forests (T), Nagpur.
5. Collector, Gondia.
6. Sub Divisional Officer, Gondia.
7. Select file F-10.

39-90-2092

O/C