

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 1.94 ha. Forest land under section-2 of the Forest (Conservation) Act, 1980 for construction of Wardha-Nanded New Broad Gauge Railway Line Phase-III passing through Babulgaon Village, Tal. Deoli, Dist. Wardha in the State of Maharashtra-reg (FP/MH/RAIL/49628/2020).

No. : Desk-17/Nodal/Nagpur /I.D-13064/1826/2021-22
 Nagpur - 440 001, Dated 17/12/2021

To,

The Deputy Director General (Central)
 Ministry of Environment, Forests, and Climate Change,
 Regional Office, Ground Floor, East Wing,
 New Secretariat Building,
 Civil Lines, Nagpur-440001

Sir,

The Assistant Executive Engineer (C), Central Railway, Wardha has submitted proposal for diversion of 1.94 ha. Forest land under section-2 of the Forest (Conservation) Act, 1980 for construction of Wardha-Nanded New Broad Gauge Railway Line Phase-III passing through Babulgaon Village, Tal. Deoli, Dist. Wardha in the State of Maharashtra . The details of forest land proposed for diversion is as given below: -

Sr. No	Item work purpose	District	Taluka	Name of Village	Survey No.	Length X Width	Area (in ha)	Legal Status
1	Construction of Wardha-Nanded	Wardha	Deoli	Babulgaon	36	147.864 x 11.7	1.73	Zudpi Jungle
2	New Broad Gauge Railway Line Phase-III passing through Babulgaon Village, Tal. Deoli, Dist. Wardha				37	24.1375 x 87	0.21	
Total Forest Land (in ha.)						1.94		

2.00 The proposal has been initiated by the Assistant Executive Engineer (C), Central Railway, Wardha for seeking approval under Forest (Conservation) Act, 1980. The proposed project New Broad Gauge Railway Line via Pusad and Yavatmal connects two existing railway station namely Wardha locate on Badnera-Nagpur section of Central Railway to Nanded, existing station on Purna Secunderabad section of South Central Railway. It Passes through five district namely Wardha, Yavatmal, Washim, Hingoli and Nanded of Maharashtra State. The total length of the line is approximately 284.00 KM. The new BG line starting from Wardha shall pass through Deoli (Wardha District), Kalamb, Yavatmal, Darwha, Digras, Pusad, Umarkhed (Yavatmal District), Hadgaon and Ardhapur (Nanded District). Goods traffic on the new line shall consist of cement

fertilizer, sugar and its by products, Oilseeds, Pulses, food grains cotton etc. The entire work of construction of new line shall be completed till 2022-23. The said project to be executed in two phases Phase-I-Wardha to Yavatmal (78 kms), Phase-II- Yavatmal to Nanded (206 Kms). The route for this railway line as proposed by Central Railway is only feasible route and the forest land required is the barest minimum. The total route length of the Railway line is 284.00 Kms, out of which 0.0193 km length is passing through Zudpi Jungle land in Wardha District. The project is approved by Government of India, Ministry of Railway vide letter No.F.No.2001/W-1/CR/NL/2, dated 20/12/2017. The non forest land involved in the project 3.543 ha. The site inspection report of the Deputy Conservator of Forests, Wardha Forest Division, Wardha is enclosed on page no. 10A to 10 B

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 three copies.

- 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.

4.00 The Deputy Conservator of Forest, Wardha Forest Division, Wardha has certified that:-

- 4.1 no suitable alternate land is available and the forest land required is lowest minimum.
- 4.2 the area belongs to Eco-value class-III and Density of forest is below 0.4 comes under Tropical Dry Deciduous Forest.
- 4.3 there are 13 trees of various species and trees is involved in implementation of the Project. The Girth wise break up is as under:-

Tree Girth in Cm.								
0-30 cm	31-45 cm	46-60 cm	61-75 cm	76-90 cm	91-120 cm	121-150 cm	150 cm Above	Total
0	2	2	1	3	1	2	2	13

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, archaeological 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 of the boundary of Protected Area, Wildlife Sanctuary and National Park

4.8 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.

4.9 and proposed Compensatory Afforestation over 4.00 ha, degraded Forest land in Survey No.264, at village Sakhara, Taluka-Samudrapur, Dist. Wardha 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.
- 5.3 The cross section map is enclosed herewith on file page No.23.
- 5.4 The total route length of the Railway line is 284.00 Kms, out of which 0.0193 km length is passing through Zudpi Jungle land in Wardha District. Hence as EIA, Notification dated 22/8/2013 the aforesaid project does not attract the Environmental Clearance.
- 5.5 The copy of the administrative/ technical approval project is approved by Government of India, Ministry of Railway vide letter No.F.No.2001/W-1/CR/NL/2, dated 20/12/2017 on page No.18.
- 5.6 The Assistant Director, Department of Archaeology, Maharashtra State, Nagpur vide his letter No. 322, dated 37/10/2020 has certified that the total forest area covered by the project is not likely to affect any Monument, Archaeological site, Historical, Religious and Archaeological importance.

6.00 The Collector, Wardha has submitted certificate that:-

- 6.1 the certificate of Collector, Wardha under Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Right) Act, 2006 issued vide letter No.AK/Land/WS-569/2019, dated 07/12/2019 issued in Form-I as per Government of India latest guidelines dated 05/07/2013
- 6.2 the Collector, Wardha vide letter No.Ak/Dy.Coll/LAND/WS-569/2019, dated 07/12/2019 has certified that there is no suitable alternate non forest land is available and the demand for the forest land required for the project is minimum.
- 7.00 The Deputy Conservator of Forest, Wardha Forest Division, Wardha and Conservator of Forest (T), Nagpur have recommended the proposal for diversion of 1.94 ha. of Reserved forest land.
- 8.00 **In view of this, the proposal is recommended for approval under section - 2 (ii) of Forest (Conservation) Act, 1980 subject to the following conditions: –**
- 8.1 The legal status of the land required will remain unchanged.
- 8.2 Forest land will be handed over only after required non-forest land for the project is handed over to the User Agency.
- 8.3 **Compensatory Afforestation :-**
 - a) The user agency shall defray the cost of Compensatory Afforestation over 4.00 ha. degraded Forest land in Survey No.264, at village Sakhara, Taluka-Samudrapur, Dist. Wardha 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.
- 8.4 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.

8.5 NPV:-

- a) The State Government shall charge the Net Present Value (NPV) for the 1.94 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 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.

8.6 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.

8.7 The forest land shall not be used for any purpose other than specified in the proposal; Ex-situ conservation of endemic species of flora/fauna lost/disturbed in the process of execution of the project may be ensured;

8.9 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 toward and back bearing and distance from pillar to pillar.

8.10 All necessary precautions should be taken to protect the area from fire.

8.11 The user agency will undertake comprehensive soil conservation measures at the project cost in consultation with the State Forest Department.

8.12 The User Agency shall obtain the Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required.

8.13 No labour camp shall be established on the forest land;

8.14 The User Agency shall provide fuels preferably alternate fuels to the laborers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;

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

8.16 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.

8.17 No damage to the flora and fauna of the adjoining area shall be caused;

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

8.19 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.

8.20 Forest land should not be used for construction of new station and other building. The User Agency shall ensure that such structures are established on the non-forest land.

8.21 The User Agency will provide retaining walls, breast walls and drainage as per requirement to make the slope stable

8.22 Artificial water holes under/ near box culverts or underpasses shall be created by the Forest Department at the cost of the User Agency;

8.23 Sound barriers on either side of the line to reduce the sound shall be installed by the Forest Department at the cost of the User Agency;

8.24 Forest land shall not be used for any kind of quarrying and muck to be generated during the construction of railway line shall be dumped with the permitted RoW;

8.25 The user agency shall obtain the certificate of the Collector, Wardha under the Scheduled Tribes and Other Traditional before Stage II approval.

- 8.26 The User Agency will pay the cost of raising herbaceous/ shrubby medicinal plants in right of way under the railway line, wherever possible and provide funds of the said scheme prepared by the State Forest Department. Detail scheme along with financial provisions shall be submitted along with Stage- I compliance;
- 8.27 Sound barriers on either side of the line to reduce the sound shall be installed by the Forest Department at the cost of the User Agency.
- 8.28 The User Agency shall ensure that maximum speed of the train while approaching and passing through the forest area shall be 40 Km/hour during night and 50 km/hour during day time.
- 8.29 The User Agency and the State Government shall ensure compliance to provisions of the all Acts, Rules, Regulations, Guidelines and Court Tribunal directions for the time being in force, as applicable to the project;
- 9.00 It is therefore, requested that Government of India may kindly be moved for approving the proposal for diversion of 1.94 ha. Forest land under section-2 of the Forest (Conservation) Act, 1980 for construction of Wardha-Nanded New Broad Gauge Railway Line Phase-III passing through Babulgaon Village, Tal. Deoli, Dist. Wardha in the State of Maharashtra under section 2 (ii) of the Forest (Conservation) Act, 1980.

Encl. :- Proposal 1 copies

Yours sincerely

 15/12/21

(Naresh Zurmure)

**Addl. Principal Chief Conservator of Forests
& Nodal Officer**

- Copy submitted to the Principal Secretary (Forests), Revenue & Forest Department, Mantralya, Mumbai – 400032 for information.
- Copy to the Chief Conservator of Forests (Territorial) Nagpur for information.
- Copy to the Deputy Conservator of Forest, Wardha Forest Division, Wardha for information.
- Copy to the Assistant Executive Engineer (C), Central Railway, Wardha for information

Proposal for diversion of 1.94 ha. Forest land under section-2 of the Forest (Conservation) Act, 1980 for construction of Wardha-Nanded New Broad Gauge Railway Line Phase-III passing through Babulgaon Village, Tal. Deoli, Dist. Wardha in the State of Maharashtra-reg (FP/MH/RAIL/49628/2020).

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

1) proposal for diversion of 1.94 ha. Forest land under section-2 of the Forest (Conservation) Act, 1980 for construction of Wardha-Nanded New Broad Gauge Railway Line Phase-III passing through Babulgaon Village, Tal. Deoli, Dist. Wardha in the State of Maharashtra-reg (FP/MH/RAIL/49628/2020).

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

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- 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, archaeological 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 of the boundary of Protected Area, Wildlife Sanctuary and National Park
- 4.8 the non-forest area covered 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.
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8.00 In view of this, the proposal is recommended for approval under section - 2 (ii) of Forest (Conservation) Act, 1980 subject to the following conditions: -

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

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 1.94 ha. Forest land under section-2 of the Forest (Conservation) Act, 1980 for construction of Wardha-Nanded New Broad Gauge Railway Line Phase-III passing through Babulgaon Village, Tal. Deoli, Dist. Wardha in the State of Maharashtra-reg (FP/MH/RAIL/49628/2020). The details of land proposed for diversion is as under-

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Total Forest Land (in ha.)							1.94	

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

 15/12/21

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

Date: /12 /2021
Place: Nagpur