

Office of the Principal Chief Conservator of Forests (Head of Forests Force),

Maharashtra State, Nagpur

Additional Principal Chief Conservator of Forests & Nodal Officer, M.S.Nagpur

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No. Desk-17/Nodal/Nagpur/ID-12734(15)/1424/2021-22
Nagpur – 440 001 Date - 29/10/2021

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-440 001

Sub –Diversion of 1.64 ha. Zudpi Jungle Land under Forest (Conservation)
Act, 1980 for establishment of Transport City and Industrial Estate in Nagpur
District of Maharashtra-reg.

- Ref. – 1) Govt. of India, MoFF & CC, Integrated Regional Office, Nagpur vide letter
No. F.No.FC-I/MH-195/2020-NGP/8436, dt. 9/8/2021
2) The Chief Conservator of Forest (T) Nagpur letter No. Desk-10/
Land/C.R.897/641, dt. 30/9/2021

Sir,

Government of India, MoFF & CC, Integrated Regional Office, Nagpur vide letter under reference No. 1 has sought compliance on 3 points. Accordingly, the Chief Conservator of Forest (T) Nagpur vide letter under reference No. 2 has submitted the compliance of shortcoming in this regard to this office. The Compliance report as desired by Government of India vide letter dt. 9/8/2021 is submitted as under :-

Sr.No.	Point	Compliance
i	Why the proposed industrial area cannot be restricted to non-forest area.	The Proposed Survey No. 88 of Village Tarodi has been included in the said area earmarked for "Transport City and Industrial Estate" in the Regional Plan of Nagpur as it was unavoidable on account of its location. In fact, all lands included in this category are non-forest land except Survey No.88 (1.64 ha.) which is found to be in the form of an isolated patch of barren piece of Zudpi Jungle land (Revenue Department). This Zudpi jungle land, which technically became 'forest' only after the Hon'ble Supreme Court of India defined the term 'forest' in Writ Petition (Civil) No. 202/1995-T.N.Godavarman case, happened to be situated at a

		<p>place surrounded by non-forest land earmarked for the purpose. Therefore, there was no alternative and it became imperative to include this patch of barren land in the said category for industrial purpose. The User Agency has already acquired, in accordance with law, all surrounding non-forest lands from owners and has developed the same in terms of the Integrated Infrastructural Development (IID) Scheme.</p>
ii	<p>The instant proposal has been submitted by private agency; why the proposal cannot be submitted by Government agencies like MIDC, etc.</p>	<p>That the proposed area is before 1990, the Government was directly involved and played leading role in Developing Industrial Infrastructure. From 1990's the private corporate sector became an important factor in the process and Government's role became limited to that of a facilitator of this private corporate led economic development process. Therefore, in pursuance of the Industrial Policy measures for promoting and strengthening small and tiny village enterprises, the Integrated Infrastructural Development (IID) scheme was launched in 1994 by the Government of India. The Scheme inter-alia provided for a good NGO or Cooperative Society with a sound financial position to select suitable sites and firm up project proposals as a part of Public-Private Partnership. Out of estimated cost of Rs. 5.00 crores (excluding the cost of land), Central Government provides 40% to a maximum of 2.00 crore as grant, and the remaining amount could be loan from SIDBI/Banks/Financial Institutions or State funds. The proposal of the User Agency- Maa Umiya Audhyogik Sahakari Vasahat Maryadit, Kapsi (Budruk) Tahsil-Kamthi, District Nagpur in the instant matter was submitted and has been accorded Administrative Approval under the said IID Scheme by the Government of Maharashtra, Industries, Energy and Labour Department vide Government Resolutions dated 9/6/2003 and 7/12/2003. As the Administrative Approval is accorded to the proposal of the User Agency- Maa Umiya Audhyogik Sahakari Vasahat Maryadit, it became its sole responsibility to acquire all lands required for the purpose. In view of these facts, there remains no role for any Government agency like the MIDC to play any role in the instant matter in respect of acquisition of land and development in accordance with sanctioned Regional Plan.</p>

iii	<p>Why the area proposed for diversion cannot be developed as Urban Forest and may be proposed for Compensatory Afforestation scheme under Forest (Conservation) Act, 1980 which eventually will serve as green lung for area predominantly covered with industries.</p>	<p>In this regard it is submitted that this patch of zudpi jungle land in charge of Revenue Department is a small isolated patch surrounded by non-forest lands. As the zudpi jungle attracted the provisions of the FC Act after the Hon'ble Supreme Court of India defined the word 'forest' for the purpose of this Act in 1996, the development of the backward region of Vidarbha in the State of Maharashtra got a serious setback. It is because there are large number of such scattered small patches of zudpi jungle, maintenance and protection of which as forest is practically impossible on technical and administrative grounds, it would become an unproductive exercise involving huge amount of expenditure of money and substantial time loss in framing proposal under FC Act 1980 and seeking prior approval of the Government of India.</p> <p>Therefore, to address the issues related to zudpi jungle lands, the Central Government vide Notification No. 4-B/87-FC (Pt.) dated 21st September, 1998 constituted a High Powered Committee under the chairmanship of the then Additional Inspector general of Forests, Ministry of Environment and Forest, to carry out in-depth analysis, to oversee the survey work of zudpi lands undertaken by the Government of Maharashtra and to suggest different land uses to which the zudpi lands can be categorized and maintained for future in the interest of conservation as well as development. The said High Powers Committee in its report recommended that the zudpi lands found suitable for the forestry management should be constituted as reserved forests. Based on the recommendations of the said High Powered Committee, the Government of Maharashtra decided to constitute such suitable zudpi lands as reserved forests and accordingly, notified such lands under section 4 of the Indian Forest Act, 1927 (IFA) from time to time. Notification under sec.4 IFA in respect of zudpi lands in Kamthi taluka of Nagpur District is issued by Govt. of Maharashtra, Revenue and Forest Department vide No. FLD-34/2017/C.R.807/F-3, dt. 7/12/2017 (Annexure 1). On perusal of this notification, it would be seen land that no land from village : Tarodi, Taluka : Kamthi (where this S.No.88 recorded as zudpi land in the revenue records admeasuring 1.64 ha. situated) has been notified u/s 4 IFA. That is to say that zudpi land bearing</p>
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		<p>S.No. 88, Village : Asoli, Taluka : Kamthi, District : Nagpur is also not notified u/s 4 IFA. It is for the reasons that this patch of zudpi land was not found fit for forestry purposes.</p> <p>Coming to the question of development of this land as forest and may be proposed for Compensatory Afforestation scheme under Forest (Conservation) Act, 1980, kind attention is invited to the Government of India, MoFF and CC, New Delhi letter No. F.No. 11-423/2011-FC, dt. 22 May 2019 addressed to the Principal Secretary (Forests) of all States/UT Government (Annexure 2). Vide Clause (b) of this letter, the ministry has, in very specific terms, prohibited to accept any non-forest land having less than 5 ha area for Compensatory Afforestation. The operative part reads as under :- “(b) Isolated patches having area less than 5 ha are difficult to manage as forests. Hence, no non-forest land, having area less than 5 ha area shall be accepted for CA purpose.”</p> <p>It is to point out that prior to the above instructions dt. 22th may 2019 of the Government of India; the Government of Maharashtra vide their letter No. FLD-2014/C.R.63/F-10 dt. 3/5/2014 addressed to all Divisional Commissioners and all Collectors in the state had made it mandatory for the collectors and the Depute Conservators of Forests to attach specific certificates while proposing land for Compensatory Afforestation to the effect inter alia that proposed land is fit for afforestation and afforestation management and that minimum, 5 ha land is available for afforestation.</p> <p>In his report dated 31/3/2021 (Annexure 3) submitted to the Chief Conservator of Forests, Nagpur while giving reply to the points raised by the Government of India, MoFF & CC, Regional office, Nagpur vide their reference bearing no. F.no. FC-I/MH-195/2020-NGP/7501 dt. 24th November 2020 the Deputy Conservator of Forests, Nagpur has clearly stated in point no. (vi) as under —</p> <p>“----- that this Zudpi Jungle land is a barren land devoid of any tree growth and is in an unmanaged state unfit for forestry works -----”</p> <p>If this land is taken up for compensatory afforestation then it will be violative of the Government of India’s above instructions as contained in their letter dated 22th May 2019 together with aforesaid Government of Maharashtra orders</p>
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		<p>dt. 3/5/2014 and would require the Government to settle all adverse rights existing there in advance as per law by applying the provisions of the Indian Forest Act. 1927. For the reasons stated above and in the light of the Government of India, MoFF & CC instructions (Annexure 2), and owing to its small size, scattered nature and being unfit for afforestation, this zudpi land cannot be maintained as forests. Therefore, a considered decision has already been taken for not applying provisions of the IFA to this piece of zudpi land leaving it for non-forestry use.</p>
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In view of the above, it is requested that the Government of India may kindly be moved for approval under section-2 (ii) of the Forest (Conservation) Act-1980, at the earliest.

Encl :- As above

Yours Sincerely,

(Naresh Zurmure)

Additional Principal Chief Conservator of Forests
& Nodal Officer, Nagpur

Copy submitted to - The Principal Secretary (Forests) Revenue & Forests Department, Mantralaya, Mumbai – 32 for information.

Copy to – Chief Conservator of Forests (T) Nagpur for information.

Copy to – The Chairman, Umiya Audhyogik Sahakari Vasahat Maryadit, Kapsi (BK), Tahsil Kamthi, Dist. Nagpur for information.