

OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS,
MAHARASHTRA STATE, VANBHAWAN, CIVIL LINES, NAGPUR-1.

Confidential

SPEED POST

Sub : Complaints received by Hon.ble Lok Ayukta
and Chief Secretary, Maharashtra against
Shri Rajendra Mangrulkar, IFS.

No. : Desk-17/N C/I D/19 CC/1 of 2009-10.
Nagpur-440 001, dated 18th January, 2010.

To

The Principal Secretary (Forests),
Revenue & Forests Department,
Mantralaya,
Mumbai-32.

Ref : Your Confidential D.O. letter No. IFS-2009/1525/PraKra366/F.7, dt.18-12-
2009.

Two complaints, one by Shri Manish Kumar Singh dtd. 11-12-2009 and the other
by Shri Navin Singh dtd. 14-12-2009 addressed to the Chief Secretary, Maharashtra State,
Mumbai and the Hon'ble Lok Ayukta, Maharashtra State, have been received with the
above D.O. letter. The documents available in this Office bring out the following facts
and issues :

1) Complaint by Shri Navin Singh :

This complaint is primarily about Shri Rajendra Mangrulkar, the then Joint
Secretary, Revenue and Forest Department regarding his conduct in the capacity of Joint
Secretary to the Govt of Maharashtra. The complaint alleges that back-dated
unauthorized letters of approval were issued regarding extension of suspension period of
the complainant. The other matter is regarding the assets of Shri Mangrulkar. In this
regard it is to state that the approval to the extension of suspension period of Shri Navin
Singh had been issued by the Government at Mantralaya level. Likewise, property
returns are filed by Shri R.S. Mangrulkar to the Govt in Revenue & Forests Department.
Hence, it is not possible to comment on the issues brought out by Shri Navin Singh in his
complaint dated 14-12-2009 on the basis of information available in this Office. The facts
regarding this complaint may be ascertained at Government level. Likewise, facts
regarding assets of Shri Mangrulkar may be verified from the returns submitted by him
and got probed through an appropriate agency, if need be.

2) Complaint by Shri Manish Kumar Singh :

2.1 The complaint is mainly against Shri B.K. Singh, the then Principal Chief
Conservator of Forests and Shri R.S. Mangrulkar, the then Joint Secretary (Forests), R & F
D. The main allegations in the complaint are that (a) the above officers have favoured
Symbiosis Educational Institute, Pune by interfering in the process of legal action against

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the said Institute for violation of provisions of the Indian Forest Act, 1927 and the Forest (Conservation) Act, 1980; (b) encroachment on forest land by the said Institute was proposed to be regularized under the Forest (Conservation) Act, 1980, charging a throw-away price for the said land instead of proposing market price of the land and (c) both the forest officers got undue benefits from the said Institute for getting their wards admitted. In this regard, it is to state that allegation (c) cannot be commented upon by this Office. In so far as legal process regarding forest offences is concerned, the action has to be initiated primarily by the field level executive staff/officers. Full facts in this regard are being called for from the Chief Conservator of Forests, Pune Circle. However, the material issues regarding (a) and (b) as discernible from the records available in this Office are given below :

2.2 As is evident from the complaint no specific action of Shri B.K. Singh, both in his capacity as supervisory Chief Conservator of Forests of Pune Circle as also in the capacity of Principal Chief Conservator of Forests, Maharashtra State, has been pointed out to support the allegations. The allegations against him are that he got his wards admitted to MBA classes of Symbiosis Management Institute without paying any amount, except the tuition fee. The Principal Chief Conservator of Forests or for that matter the supervisory CCF cannot be held accountable for omissions in pursuing offence matters in certain specific cases by simple insinuation. The allegations against him are unsubstantiated and these cannot be ascertained from the records available in this Office. It is more than 4 years since Shri B.K. Singh retired. Hence, at this juncture he cannot be held accountable for omissions/commissions, in respect of routine official works.

2.3 The allegations against Shri R.S. Mangrulkar are that he favoured Symbiosis Institute Pune by not following due process of law against the Institute for its encroachment on forest land. In this regard it is to state that Shri R. S. Mangrulkar could be associated with land matters of Pune division in his official capacity on two occasions, one as Deputy Conservator of Forests, Pune from 1/12/1996 to 23/07/2001 and the other as Joint Secretary (Forests), Revenue and Forest Department. The complaint refers to an offence registered in 2003 (refer para 2 of the complaint). The fact that a complaint was registered in 2003 is corroborated from the records of this office as well in as much as the then Chief Conservator of Forest had submitted a violation report vide his letter No. Desk-1/ Land/ Proposal-34/ 56/ 2006-07 dated 20/04/2007 which clearly states that the violation was stopped on 27/06/2003 (copy enclosed). Hence the above POR. Apparently Shri Mangrulkar who had relinquished the charge of Pune division in 2001 could not have stalled further legal action on the offence recorded in 2003 in his capacity as DCF Pune. The letter dated 20/04/2006 of the then CCF, Pune is with reference to a proposal regarding diversion of the forest land in question to the said institute in response to latter's request to the then Hon'ble Minister (Forests). A copy of the letter dated 5/5/2005 addressed by Dr. S. B. Mujumdar to the Hon'ble Minister (Forests) is enclosed. The proposal does not give sufficient details of the violation and the manner in which it was handled by the concerned field officers from time to time but it does mention that the institute violated conditions of the forest land leased to it for afforestation, sometime in 1980. The reasons for not taking action against the institute from 1980 to 2003 are difficult to ascertain at this stage from the available records.

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2.4 The Symbiosis Educational Institute submitted a proposal, seeking Govt of India's permission under the Forest (Conservation) Act, 1980 for allocation of 0.744 ha of forest land to the said Institute and a letter dtd. 5-5-2005 (copy enclosed) in this regard was addressed to the then Hon'ble Minister for Forests. This proposal was processed by the then CCF, Pune along with the violation report referred to above vide his letter dtd. 20-4-2006. However, the proposal was turned down by this office vide letter dtd. 13-6-2006, (copy enclosed) with a direction to the CCF, Pune that an offence be registered against the institute. Accordingly the offence was registered afresh against the said Institute in 2006. This, later on, came to be stayed. A proposal under Forest (Conservation) Act, 1980 was subsequently submitted by this Office as well vide letter No. D-17/NC/II/ED 11346/381/07-08 dtd. 2-6-2007. In the said proposal, it was proposed to charge market value of the land, estimated to be about Rs.7.22 crore. This proposal was not found acceptable at Govt. level as is evident from letter No. FLD 1907/ Pra. Kra. 261/F-10 dated 27/07/2007. In the said letter the basis of charging present market value for the land was also questioned. The same was revised subsequently and it was proposed to charge NPV to the said Institute which is unlikely to exceed Rs. 7 lakh. This seems to have been done with reference to a meeting called by the then Hon'ble Minister for Forests (kindly refer to the enclosed copy of the Govt letter FLD-1907/Pra.Kra 261/F.10 dtd. 31-8-2007 in this regard). The said letter directs to submit revised proposal as per discussions but contents of discussions are not recorded in the files of this Office, nor mentioned in the said letter.

2.5 From the above, it is evident that in this case the area has been encroached upon by a well known educational institute (violating the conditions of the leased forest land), in the heart of Pune city. The Institute moved a proposal for diversion of the land in question under the Forest (Conservation) Act, 1980, which was examined in this office and a direction was issued to the Chief Conservator of Forests, Pune Circle for taking legal action against the said Institute. Accordingly the offence was booked afresh in 2006. But further legal action was stayed by Government vide letter No. FLD 1906/ Pra. Kra. 553/ F-10 dated 25 July 2006, the circumstances of which are not known to this Office. Subsequently, proposal for seeking GOI approval under the Forest (Conservation) Act, 1980 had been initiated, at first charging market value of the land which was nearly to the tune of Rs.7.22 crore and later on revising this figure and proposing NPV, which in no case would exceed Rs. 7 lakh. Apparently, the changed proposal was submitted after consultations at Mantralaya. The direction received from Mantralaya vide letter dated 31/8/2007 referred to in preceding para was for submitting the proposal after appropriate changes as per discussions of 22/08/2007. This was preceded by a letter dated 27/7/2007 in which the basis for charging market value was questioned. The revised proposal of this office seems to be the outcome of the said discussions and directions. Given these circumstances and sequence of events the reasons for reduction in the value could be best ascertained from the documents available at Mantralaya. Likewise, the commissions and omissions of Shri R.S. Mangrulkar in his capacity as Jt. Secretary (Forests), R & F D, alleged in the complaint may be ascertained from the records available in Mantralaya.

2.6 It is to state here that the Hon'ble Supreme Court has issued directions for constituting Special Investigation Team (SIT) to look into irregularities related to forest

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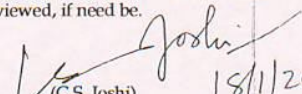
land matters in Pune district. This case also falls in the category of cases to be reported to the Central Empowered Committee (CEC) for further investigation by SIT. The land in question is highly prized and it would be most inappropriate to charge NPV for this piece of land. It would not be out of context to mention here that NPV is expected to be charged for the ecological value of forest land. The land in question is highly valued which would be more than 100 times of value NPV. Hence, the following suggestions are made for due consideration:

(i) the Govt. may review earlier decision of recommending the proposal, vide letter No. FLD 1907/C R- 261/ F-10 dated 21/02/2009 to Govt. of India for seeking clearance under the Forest (Conservation) Act, 1980;

(ii) the matter may be referred to SIT for further investigation which may also look into the role of all officers who were responsible for suggesting/ proposing diversion of the said land at a throw away price by reducing its monetary value from prevailing market price to NPV; and

(iii) in the light of (i) above the Govt. instructions contained in letter No. FLD 1906/ Pra. Kra. 553/ F-10 dated 25 July 2006 may be reviewed, if need be.

Encl: As above.


(C.S. Joshi) 18/1/2010
Principal Chief Conservator of Forests
(Head of Forest Force),
Maharashtra State, Nagpur.

Copy to CCF(Personnel), for personal file of Shri R.S. Mangal