

OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS (HEAD OF FOREST FORCE), MAHARASHTRA STATE

ADDITIONAL PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND NODAL OFFICER,

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No. Desk-17/Nodal/Gadchiroli/ID-13234/ **508**/2022-23

Nagpur – 440 001, Date : **02**/06/2022

To,
Principal Secretary (Forests)
Revenue and Forest Department,
Mantralaya, Mumbai-32

Subject:- The proposal is for Trenching and Laying 24 fibre BSNL OFC Line Bhagwanpur to Sawalkhenda under NOFN Project, Ta. Khurkheda Dist. Gadchiroli Area 0.206 ha. in The State of Maharashtra (FP/MH/OFC/150407/2021).

Res/Sir,

The Conservator of Forests (T.), Gadchiroli on dated 16/12/2021 and 23/02/2022 and 25/05/2022 has submitted The proposal is for Trenching and Laying 24 fibre BSNL OFC Line Bhagwanpur to Sawalkhenda under NOFN Project, Ta. Khurkheda Dist. Gadchiroli Area 0.206 ha. in the State of Maharashtra (FP/MH/OFC/150407/2021).

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

Sr.No.	Division	Area in Ha.	Length in K.M.	Legal Status
1	Wadsa	0.183	4.04	R.F.
2		0.023	0.51	P.F.
Total		0.206	4.55	

3.0 The project has been initiated by DGM (OP) BSNL Gadchiroli for seeking approval under Forest (Conservation) Act, 1980 for Trenching and Laying 24 fibre BSNL OFC Line Bhagwanpur to Sawalkhenda under NOFN Project, Ta. Khurkheda Dist. Gadchiroli Area 0.206 ha. in the State of Maharashtra (FP/MH/OFC/150407/2021). The aforesaid project is pursuant to the directives issued by the Government of India, Ministry of Communication & IT Department of Telecommunication vide their letter No. 222/2008, dt. 19/09/2008. The User Agency has highlighted that as per the policy of the Government of India, it is planned to lay Optical Fiber Cable for reliable communication from remote place to District/State Headquarters. Basic aim of the project is to provide the people of under developed areas with reliable and high speed media connectivity. In this regard, the User Agency has submitted the proposal for diversion 0.206 ha forest land under the Forest (Conservation) Act, 1980. The site inspection report of the Dy. Conservator of Forest, Wadsa Forest Division, Wadsa is enclosed file on **P.P. 41 to 43**.

4.00 Dy. Conservator of Forest, Wadsa Forest Division, Wadsa 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 having density is below 0.1 comes under Southern Tropical Dry Deciduous Forests
- 4.3 There is no cutting and felling of trees involved in this project
- 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, archeological 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 kms from the boundary of the protected area (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 Proposed Compensatory Afforestation over 1.00 ha. of forest land in RF compartment no.91 of Usegaon Beat, Round Wadsa, Range Wadsa in Wadsa Forest Division, 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 alignment of the trench shall be varied shall ensure no damage and safety of existing tree growth
- 5.4 This project lies under Bharat Broadband Nigam Limited (Central Government). This project was already executed in Kurkheda block in Gadchiroli district and permission was received under R.O.W. As per Maharashtra Government circular no Revenue and Forest Department letter no. FLD-2015/C.R.-8/2015/F-10, dated 26/02/2015.
- Now additional Bhagwanpur GIP added for providing internet facilities to the Gram Panchayat, hence permission should be granted for the execution of trenching and laying of OFC cable under R.O.W. from Sawalkheda village to Bhagwanpur GIP.
- 5.5 The Government of India has conveyed its general approval under the Section-2(ii) of the Forest (Conservation) Act, 1980 vide Chapter 4 of comprehensive guidelines issued vide letter No.5-2/2017-FC, dt. 28/3/2019 for 15 activities for diversion not more than 1.00 ha forest land to Government Departments, Government undertakings, Boards, Corporations and various user agencies. 'Electric and telecommunication lines are included in these 15 activities. The validity of General approval under section 2 (ii) of FC Act, 1980 has been extended up to 31/12/2020 vide Government of India letter dt.15/2/2018. Proposal for Trenching and Laying 24 fibre BSNL OFC Line Bhagwanpur to Sawalkheda under NOFN Project, Ta. Khurkheda Dist. Gadchiroli Area 0.206 ha. in the State of Maharashtra
- 5.6 The proposed project area lie within Scheduled Tribal area.
- 6.00 Dy.Conservator of Forest, Wadsa Forest Division, Wadsa and Conservator of Forest (T), Gadchiroli have recommended the proposal for diversion of 0.206 ha. of forest land.
- 7.00 **In view of this, the proposal is recommended for approval under the section -2 (ii) of the Forest (Conservation) Act, 1980 subject to the following conditions: –**
- 1) The legal status of the land shall remain unchanged.
 - 2) As per Government of India guidelines No.FC-11/165/2019, FC dt.27/7/2020 the compensatory afforestation may not be levied in case of laying of underground Optical Fiber Cables (OFC). Therefore the cost of compensatory afforestation may not be insist upon the User Agency.
 - 3) Net Present Value is exempted for laying of underground Optical Fiber Cable as per the Government of India guidelines.
 - 4) The Optical Fiber Cable Line will be laid within maximum size of the trench of 1.65 m depth & 0.45 m width with cable line under the OFC Pipeline.
 - 5) The land under project will be reclaimed by the user agency for which the agency shall submit a bank guarantee at the rate of Rs. 50/- per running meter and an undertaking to that effect shall also be submitted. If the agency fails to reclaim the land to the satisfaction of Deputy Conservator of Forests concerned, the cost for reclamation will be recovered from the bank guarantee.
 - 6) If the cable is going to be laid in the formation width of the road, then additional charges in form of bank guarantee shall be given at the rate of Rs.35/- per running mtr. Similarly for reclamation of side drain and for tarred portion, the guarantee will be at the rate of Rs. 300/- per mtr. and Rs.750/- per mtr. respectively. An undertaking shall be obtained from the user agency that it has agreed to make good any loss to Forest/ Environment while laying the cable in the forest area and during maintenance of the

same in future. For further maintenance of the project, the agency shall obtain permission from the Forest Department as and when required.

- 7) The forest land shall not be used for any purpose other than specified in the proposal.
- 8) No felling of trees shall done during the implementation of project.
- 9) The user agency will be authorized to lay the Optical Fiber Cable outside the confines of the protected area after compliance of this order. Any breach of the conditions by the user agency will be treated as violation of the provision of Forest (Conservation) Act, 1980.
- 10) No new forest area beyond the Right of Way of existing road should be broken for laying Optical Fiber Cable.
- 11) No labour camps shall be established on the forest land.
- 12) The layout plan of the proposal shall not be changed without prior approval of the Central Government.
- 13) The sanction will be subject to final clearance as per the directives issued by the Government of India, Ministry of Communication & IT Department of Telecommunication vide their letter No. 222/2008,dt.19/09/2008 and concerned PWD authorities of the project.
- 14) The User Agency will be authorized to lay the Optical Cable only outside the confines of the Protected Area. Any breach of the said condition by the User Agency will be treated as violation of the provisions of the Forest (Conservation) Act, 1980.
- 15) All the conditions stipulated by the Forest Department shall be binding on the User Agency.
- 16) All other conditions as may be mandatory under relevant Act, Rules and Guidelines shall be compiled with by the User Agency.
- 17) All necessary approvals required for the project as per the prevailing laws of the land would be obtained by the User Agency before statutory sanctions.
- 18) The User Agency will make good the land after use/maintenance.

8.00 It is therefore, requested that Government of India may kindly be moved for approving the proposal for Trenching and Laying 24 fibre BSNL OFC Line Bhagwanpur to Sawalkhenda under NOFN Project, Ta. Khurkheda Dist. Gadchiroli Area 0.206 ha. in the State of Maharashtra (FP/MH/OFC/150407/2021). under section 2 (ii) of the Forest (Conservation) Act, 1980.

Encl:- Proposal 1 Copies

Your's Sincerely

(Naresh Zurmure)

Addl. Principal Chief Conservator of Forests
& Nodal Officer

Copy for information:-

1. The Conservator of Forest Gadchiroli .
2. The Deputy Conservator of forests, Wadsa Forest Division, Wadsa
3. The DGM (OP) BSNL, Gadchiroli

PART -IV

(To be filled by Nodal Officer or Principal Chief Conservator of Forests (Head of Forest Force))

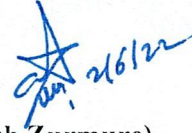
(Detailed opinion and specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks)

Subject:- The proposal is for Trenching and Laying 24 fibre BSNL OFC Line Bhagwanpur to Sawalkhenda under NOFN Project, Ta. Khurkheda Dist. Gadchiroli Area 0.206 ha. in the State of Maharashtra (FP/MH/OFC/150407/2021).

The details of land proposed for diversion is as under:-

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1	Wadsa	0.183	4.04	R.F.
2		0.023	0.51	P.F.
Total		0.206	4.55	

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



(Naresh Zurmure)

Additional Principal Chief Conservator of Forests
& Nodal Officer

Date: 02/06/2022

Place: Nagpur

Proposal for Trenching and Laying 24 fibre BSNL OFC Line Bhagwanpur to Sawalkhenda under NOFN Project, Ta. Khurkheda Dist. Gadchiroli Area 0.206 ha. in the State of Maharashtra (FP/MH/OFC/150407/2021).

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

The proposal is for Trenching and Laying 24 fibre BSNL OFC Line Bhagwanpur to Sawalkhenda under NOFN Project, Ta. Khurkheda Dist. Gadchiroli Area 0.206 ha. in the State of Maharashtra (FP/MH/OFC/150407/2021).

2) The details of the forest land proposed for diversion are as under:- **P.P.51**

Sr.No.	Division	Area in Ha.	Length in K.M.	Legal Status
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4.00 Dy. Conservator of Forest, Wadsa Forest Division, Wadsa has certified that:-

- 4.1 No suitable alternate land is available and the forest land required is lowest minimum. **P.P. 37**
- 4.2 The area belongs to Eco-value class-III and having density is below 0.4 comes under **P.P. 43**
Southern Tropical Dry Deciduous Forests
- 4.3 There is no cutting and felling of trees involved in this project **P.P.36**
- 4.4 The area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc. **P.P.27**
- 4.5 Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance. **P.P.34**
- 4.6 There is no violation of Forest (Conservation) Act 1980. **P.P.38**
- 4.7 The proposed area for the project is beyond 10 kms from the boundary of the protected area (Sanctuary and National Park). **P.P.35**
- 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.

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5.00 **The User Agency has submitted an undertaking that:-**

5.1 To defray the cost of compensatory afforestation. **P.P.12**

5.2 To defray the cost of Net Present Value of the forest land proposed under diversion. **P.P.15**

5.3 The alignment of the trench shall be varied shall ensure no damage and safety of existing tree growth **P.P.9**

5.4 This project lies under Bharat Broadband Nigam Limited (Central Government). This project was already executed in Kurkheda block in Gadchiroli district and permission was received under R.O.W. As per Maharashtra Government circular no Revenue and Forest Department letter no. FLD-2015/C.R.-8/2015/F-10, dated 26/02/2015.

Now additional Bhagwanpur GIP added for providing internet facilities to the Gram Panchayat, hence permission should be granted for the execution of trenching and laying of OFC cable under R.O.W. from Sawalkheda village to Bhagwanpur GIP. **P.P.10**

5.5 The Government of India has conveyed its general approval under the Section-2(ii) of the Forest (Conservation) Act, 1980 vide Chapter 4 of comprehensive guidelines issued vide letter No.5-2/2017-FC, dt. 28/3/2019 for 15 activities for diversion not more than 1.00 ha forest land to Government Departments, Government undertakings, Boards, Corporations and various user agencies. 'Electric and telecommunication lines are included in these 15 activities. The validity of General approval under section 2 (ii) of FC Act, 1980 has been extended up to 31/12/2020 vide Government of India letter dt.15/2/2018. Proposal for Trenching and Laying 24 fibre BSNL OFC Line Bhagwanpur to Sawalkheda under NOFN Project, Ta. Khurkheda Dist. Gadchiroli Area 0.206 ha. in the State of Maharashtra

5.6 The proposed project area lie within Scheduled Tribal area. **P.P.17**

6.00 Dy.Conservator of Forest, Wadsa Forest Division, Wadsa and Conservator of Forest (T), Gadchiroli have recommended the proposal for diversion of 0.206 ha. of forest land. **P.P.84 to 86**


7.00 **In view of this, the proposal is recommended for approval under the section -2 (ii) of the Forest (Conservation) Act, 1980 subject to the following conditions: –**

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- ii) As per Government of India guidelines No.FC-11/165/2019, FC dt.27/7/2020 the compensatory afforestation may not be levied in case of laying of underground Optical Fiber Cables (OFC). Therefore the cost of compensatory afforestation may not be insist upon the User Agency.
- iii) Net Present Value is exempted for laying of underground Optical Fiber Cable as per the Government of India guidelines.
- iv) The Optical Fiber Cable Line will be laid within maximum size of the trench of 1.65 m depth & 0.45 m width with cable line under the OFC Pipeline.
- v) The land under project will be reclaimed by the user agency for which the agency shall submit a bank guarantee at the rate of Rs. 50/- per running meter and an undertaking to that effect shall also be submitted. If the agency fails to reclaim the land to the satisfaction of Deputy Conservator of Forests concerned, the cost for reclamation will be recovered from the bank guarantee.

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- ix) The user agency will be authorized to lay the Optical Fiber Cable outside the confines of the protected area after compliance of this order. Any breach of the conditions by the user agency will be treated as violation of the provision of Forest (Conservation) Act, 1980.
- x) No new forest area beyond the Right of Way of existing road should be broken for laying Optical Fiber Cable.
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- xv) All the conditions stipulated by the Forest Department shall be binding on the User Agency.
- xvi) All other conditions as may be mandatory under relevant Act, Rules and Guidelines shall be compiled with by the User Agency.
- xvii) All necessary approvals required for the project as per the prevailing laws of the land would be obtained by the User Agency before statutory sanctions.
- xviii) The User Agency will make good the land after use/maintenance.


(Dr.Y.L.P. Rao)

Principal Chief Conservator of Forests
(Head of Forest Force)


31/5/22
Maharashtra State, Nagpur