

**GOVERNMENT OF TELANGANA
FOREST DEPARTMENT**

Ref.No.6711/2015/FCA-1/TS
Dated: 25.08.2015.

Office of the Principal Chief Conservator of Forests
(Head of Forest Force),
Telangana, "Aranya Bhavan",
Saifabad, Hyderabad - 500 004.

Sri S.B.L.Misra, I.F.S.,
Principal Chief Conservator of Forests
(Head of Forest Force) (I/c)

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Sub:- ~~Telangana Forest Department~~ - Underground laying of Optical Fiber Cables, telephone lines, drinking water supply pipelines, CNG & PNG Pipelines laid along the roads and within the existing RoW - Certain Instructions - Issued - Regarding.

Ref:- GoI, MoEF, New Delhi Lr.No.11-9/98-FC (pt) dt.16.10.2000, 19.09.2003, 15.06.2004, 21.11.2005, 08.04.2009 and 07.11.2014.

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The Ministry of Environment & Forests, GoI, New Delhi vide reference cited has conveyed its general approval U/s-2 of Forest (Conservation) Act, 1980, for diversion of forest land for underground laying of Optical Fiber Cables (OFC), telephone lines, drinking water supply pipelines, CNG & PNG Pipelines laid along the roads and within the existing RoW (Right of Way), if the project fulfills the following conditions, permission for such type of projects will be accorded by the State Government:

1. The project involves no tree felling.
2. Area proposed for diversion is falling outside National Parks or Wild Life Sanctuaries.
3. Maximum size of the trench should be 2.00 M depth and 1.00 M width.

The MoEF, GoI, New Delhi vide Lr.No.11-9/98-FC, dt.08.04.2009, has extended the general approval accorded for the above activities till further orders.

In the recent past, a series of proposals have been received from various service providers seeking permission for laying of underground optical fiber line all along the existing RoW passing through Reserve Forest area and the proposals have been forwarded to the concerned field level officers for processing and the same are pending at different stages.

In this connection, it has come to the notice of the undersigned that the field officers are insisting the user agencies to furnish following information/documents in case of proposals seeking permission for underground laying of optical fiber, drinking water supply pipelines, CNG & PNG Pipelines all along the road in the existing RoW:

- a. Equivalent non-forest Compensatory Afforestation land in lieu of the forest land proposed to be utilized.
- b. Certificate related to ensuring compliance of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006.
- c. Payment of NPV, etc.

In this regard, the applicability of different rules for diversion of forest land for underground laying of OFC / telephone lines etc., under Forest (Conservation) Act, 1980 are as follows:

1) Payment of NPV:

As per the guidelines issued by MoEF, GoI vide Ir.dt.05.02.2009 in accordance with Hon'ble Supreme Court of India orders dated 24.04.2008 & 09.05.2008, the diversion of forest land for underground laying of Optic Fibre Cable in the existing Right of Way are fully exempted from payment of NPV, provided no felling of trees is involved and the area proposed for diversion is falling outside Protected Areas.

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In the said communication, it is also mentioned that the above guideline holds good for a period of 3 years and subject to revision there after. As on date, revised NPV rates have not been received. Hence, an **undertaking** to be obtained from the concerned User Agency towards payment of NPV, If Hon'ble Supreme Court of India / MoEF, GoI decides to ~~impose~~ the same by waiving the exemption granted as of now.

2) Applicability of CA land:

The MoEF, GoI, New Delhi in guidelines issued on 15.06.2004 has clarified that as the general approval for the above projects was given with the condition that such projects should **not involve tree felling**; therefore the question of **Compensatory Afforestation does not arise**.

3) Applicability of RoFR Act:

As per the guidelines issued under Forest (Conservation) Act, 1980, furnishing of certificate related to ensuring compliance of the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006, for underground laying of optical fibre cable, drinking water supply pipelines, CNG & PNG Pipelines along the road in existing RoW doesn't arise, as RoFR claims do not exist along the roads in existing RoW.

The field officers are requested to scrupulously follow the above guidelines and take necessary action accordingly.

Sd/- R.Sobha
Nodal Officer (Forest (Conservation) Act) &
Addl. Principal Chief Conservator of Forests (CAMPA & FCA)

To
All the Conservators of Forests.
All the Divisional Forest Officers.
Copy to the FCA-2, FCA-3 and FCA-4 sent with instructions to file in the Guidelines file

Copy to the stock file.

// t.c.b.o. //

Anandh
25/6/15
Superintendent

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25/6/2015