

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

**ADDITIONAL PRINCIPAL CHIEF CONSERVATOR OF FORESTS AND NODAL OFFICER,**

**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**

No. Desk-17/Nodal/Gadchiroli/ID- 14258 **926**/2022-23

Nagpur – 440 001, Date : **14**/07/2022

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

**Subject:-** Proposal for Diversion of 0.8586 Ha. Reserved Forest/Protected forest land for Trenching and Laying Underground Optical Fibre Cable along the road in ROW of NH-63 on Sironcha To Asarali Route in Sironcha Tehsil of Dist. Gadchiroli in the State of Maharashtra (FP/MH/OFC/155790/2022).

Res/Sir,

The Conservator of Forests (T), Gadchiroli on dated 04.07.2022 has submitted the Proposal for Diversion of 0.8586 Ha. Reserved Forest, Protected forest and Unclassed Forest land for Trenching and Laying Underground Optical Fibre Cable along the road in ROW of NH-63 on Sironcha To Asarali Route in Sironcha Tehsil of Dist. Gadchiroli in the State of Maharashtra (FP/MH/OFC/155790/2022).

1) The details of the forest land proposed for diversion are as under:-PPN.66

Itemwise Break-up of Land of Forest Land Diversion proposal for Laying Underground Optical Fibre Cable along the road in ROW of NH-63 on Sironcha to Asarali Route in Sironcha Tehsil of Dist. Gadchiroli													
Sr. No.	District	Taluka	Range	Round	Beat	Village	ForestLand						Legal Status
							Survey No.	Comptt. No.	Length (m)	Width (m)	Area (Sq/m)	Area (Heet)	
1	Gadchiroli	Sironcha	Sironcha	Sironcha	Sironcha-2	Janampallicheck	61		1277.5	0.6	766.5	0.0767	Unclassed Forest
2	Gadchiroli	Sironcha	Sironcha	Sironcha	Sironcha-1	Sironcha	71		265	0.6	159.0	0.0159	Unclassed Forest
3	Gadchiroli	Sironcha	Sironcha	Sironcha	Sironcha-1	Sironcha							
4	Gadchiroli	Sironcha	Sironcha	Sironcha	Sironcha-2	Janampallicheck							
5	Gadchiroli	Sironcha	Sironcha	Sironcha	Arda	Rajanapalli							
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7	Gadchiroli	Sironcha	Sironcha	Sironcha	Arda	RajeshwarpalliChak							
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9	Gadchiroli	Sironcha	Sironcha	Sironcha	Arda	Pentipakachek							
10	Gadchiroli	Sironcha	Sironcha	Sironcha	Arda	Tumnurcheck		SP030	695.9	0.6	417.5	0.0418	PF
11	Gadchiroli	Sironcha	Sironcha	Sironcha	Arda	Tumnurcheck		SP030	238.4	0.6	143.0	0.0143	PF
12	Gadchiroli	Sironcha	Sironcha	Waddam	Tumnur-1	Tumnurcheck							
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14	Gadchiroli	Sironcha	Sironcha	Waddam	Tumnur-1			SA257	1818.6	0.6	1091.2	0.1091	RF
15	Gadchiroli	Sironcha	Sironcha	Waddam	Tumnur2			SA258	2425.6	0.6	1455.4	0.1455	RF
16	Gadchiroli	Sironcha	Sironcha	Waddam	Waddam-1			SA259	2232.8	0.6	1339.7	0.1340	RF
17	Gadchiroli	Sironcha	Sironcha	Waddam	Waddam-1			SA261	783.6	0.6	470.2	0.0470	RF
18	Gadchiroli	Sironcha	Sironcha	Waddam	Waddam-1			SA262	1987.5	0.6	1192.5	0.1193	RF
19	Gadchiroli	Sironcha	Sironcha	Waddam	Rangdampeta			SA265	2034.6	0.6	1220.8	0.1221	RF
20	Gadchiroli	Sironcha	Asarali	Asaralli	Laxmideopetha-2	Gangiramanapeta							
21	Gadchiroli	Sironcha	Asarali	Asaralli	Laxmideopetha-2	Gangiramanapeta							
22	Gadchiroli	Sironcha	Asarali	Asaralli	Laxmideopetha-2	Ankisa							
23	Gadchiroli	Sironcha	Asarali	Asaralli	Laxmideopetha-2	Balmutapur							
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26	Gadchiroli	Sironcha	Asarali	Asaralli	Laxmideopetha-2	Asaralli		AP013	202.2	0.6	121.3	0.0121	PF
27	Gadchiroli	Sironcha	Sironcha	Sironcha	Arda	PentipakaChak		SP029	348.4	0.6	209.0	0.0209	PF
<b>TOTAL:-</b>									<b>14310</b>		<b>8586.1</b>	<b>0.8586</b>	



2.0 The project has been initiated by Mr. Saurabh Kale, ROW Lead of M/S. Reliance Jio Infocomm Ltd., Nagpur. for seeking approval under Forest (Conservation) Act, 1980 for Diversion of 0.8586 ha. Reserved Forest/Protected forest and Unclassed Forest land for Trenching and Laying Underground Optical Cable along the road in ROW of NH-63 from Sironcha To Asarali Route in Sironcha Tehsil of Distt. Gadchiroli in the State of Maharashtra (FP/MH/OFC/155790/2022). 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 villages in the LWE affected place to District/State Head quarters. 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 0.8586 ha. RF/PF/Unclassed Forest land under the Forest (Conservation) Act, 1980. The site inspection report of the Dy. Conservator of Forest, Allapalli Forest Division, Allapalli is enclosed file on PPN. 44 to 46

**3.00 Dy. Conservator of Forest, Sironcha Forest Division, Sironcha has certified that:-**

- 3.1 No suitable alternate land is available and the forest land required is lowest minimum. **PPN. 58**
- 3.2 The area belongs to Eco-value class-III and having density is below 0.4 **PPN. 46**
- 3.3 There is no cutting and felling of trees involved in this project **PPN. 51**
- 3.4 The area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc. **PPN. 53**
- 3.5 Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance. **PPN. 54**
- 3.6 There is no violation of Forest (Conservation) Act 1980. **PPN. 57**
- 3.7 The proposed area for the project is beyond 5.950 kms from the boundary of Pranhita Wildlife Sanctuary **PPN. 49**
- 3.8 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. **Not Applicable**
- 3.9 Proposed Compensatory Afforestation . **Not Applicable. As per Govt. of Indias letter F.No.FC-11/165/2019/FC, Dated 27/07/2020.**
- 3.10 The KML file of the proposed diverted area is placed in the file at the top.

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

- 4.1 To defray the cost of compensatory afforestation. **PPN. 30**
- 4.2 To defray the cost of Net Present Value of the forest land proposed under diversion. **PPN. 28**
- 4.3 Government of India vide letter No.11-43/2013-FC, dt.3/12/2018 has issued guideline Regarding Compliance of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Right) Act, 2006. As per these guidelines:-

*'Accordingly, it is clarified that within the time period stipulated for compliance of Stage I condition, Deputy Commissioner shall complete the process of compliance of FRA (including forwarding its findings to be concerned CF), hence for the purpose of the MoEF&CC, as per the*



*provisions under the Forest (Conservation) amendment rules, 2016 the compliance under FRA is not required for consideration of in-principal approval. This has be to furnished by the State Government for consideration of the proposal by the Ministry for final approval'.*

Hence, the User Agency has given an undertaking regarding the compliance under The scheduled Tribes and Other Traditional Forest Dewllers (Recognition of Forest Rights) Act, been applied and is under process and shall be submitted before in- principle approval.

- 4.4 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.
- 5.00 Dy.Conservator of Forest, Allapalli Forest Division, Allapalli and Conservator of Forest (T), Gadchiroli have recommended the proposal for diversion of 0.8586 ha. of forest land.
- 6.00 **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: –**
- i) The legal status of the land shall remain unchanged.
  - 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.
  - vi) 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.
  - vii) The forest land shall not be used for any purpose other than specified in the proposal.
  - viii) No felling of trees shall done during the implementation of project.
  - 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.
- xi) No labour camps shall be established on the forest land.
- xii) The layout plan of the proposal shall not be changed without prior approval of the Central Government.
- xiii) 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.
- xiv) 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.
- 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.

7.00 It is therefore, requested that the proposal for Diversion of 0.8586 Ha. Reserved Forest/Protected forest/Unclassed Forest land for Trenching and Laying Underground Optical Fibre Cable along the road in ROW of NH-63 on Sironcha To Asarali Route in Sironcha Tehsil of Dist. Gadchiroli in the State of Maharashtra (FP/MH/OFC/155790/2022). may please be approved under section 2 (ii) of the Forest (Conservation) Act, 1980.

Encl:- Proposal 2 Copies

(Naresh Zurmure)

Additional Principal Chief Conservator of Forests &  
Nodal Officer

Copy for information:-

1. The Conservator of Forest Gadchiroli .
2. The Deputy Conservator of forests, Sironcha Forest Division, Sironcha
3. Reliance Jio Infocomm Ltd. 3<sup>rd</sup> floor, Fidvi Tower, Opp. Saraf Chamber, Mount Road, Sadar Nagpur-440001.



**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:- Proposal for Diversion of 0.8586 Ha. Reserved Forest/Protected forest land for Trenching and Laying Underground Optical Fibre Cable along the road in ROW of NH-63 on Sironcha To Asarali Route in Sironcha Tehsil of Dist. Gadchiroli in the State of Maharashtra (FP/MH/OFC/155790/2022).**

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

Itemwise Break-up of Land of Forest Land Diversion proposal for Laying Underground Optical Fibre Cable along the road in ROW of NH-63 on Sironcha to Asarali Route in Sironcha Tehsil of Dist. Gadchiroli													
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TOTAL:-									14310		8586.1	0.8586	

**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: 14/07/2022

Place: Nagpur



**Proposal for Diversion of 0.8586 Ha. Reserved Forest/Protected forest Unclassed Forest land for Trenching and Laying Underground Optical Cable along the road in ROW of NH-63 on Sironcha To Asarali Route in Sironcha Tehsil of Dist. Gadchiroli in the State of Maharashtra (FP/MH/OFC/155790/2022).**

**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 Conservator of Forests (T), Gadchiroli on dated 04.07.2022 has submitted the Proposal for Diversion of 0.8586 Ha. Reserved Forest, Protected forest and Unclassed Forest land for Trenching and Laying Underground Optical Fibre Cable along the road in ROW of NH-63 on Sironcha To Asarali Route in Sironcha Tehsil of Dist. Gadchiroli in the State of Maharashtra (FP/MH/OFC/155790/2022).

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- 4.2 To defray the cost of Net Present Value of the forest land proposed under diversion. **PPN. 28**
- 4.3 Government of India vide letter No.11-43/2013-FC, dt.3/12/2018 has issued guideline Regarding Compliance of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forests Right) Act,2006. As per these guidelines:-

*'Accordingly, it is clarified that within the time period stipulated for compliance of Stage I condition, Deputy Commissioner shall complete the process of compliance of FRA (including forwarding its findings to be concerned CF), hence for the purpose of the MoEF&CC, as per the provisions under the Forest (Conservation) amendment rules, 2016 the compliance under FRA is not required for consideration of in-principal approval. This has be to furnished by the State Government for consideration of the proposal by the Ministry for final approval'.*

Hence, the User Agency has given an undertaking regarding the compliance under The scheduled Tribes and Other Traditional Forest Dewllers (Recognition of Forest Rights) Act, 2006 been applied and is under process and shall be submitted before in- principle approval. **PPN. 08**




- 4.4 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.
- 5.00 Dy.Conservator of Forest, Allapalli Forest Division, Allapalli and Conservator of Forest (T), Gadchiroli have recommended the proposal for diversion of 0.8586 ha. of forest land.
- 6.00 **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: –**
- i) The legal status of the land shall remain unchanged.
  - 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.
  - vi) 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.
  - vii) The forest land shall not be used for any purpose other than specified in the proposal.
  - viii) No felling of trees shall done during the implementation of project.
  - 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.
  - xi) No labour camps shall be established on the forest land.
  - xii) The layout plan of the proposal shall not be changed without prior approval of the Central Government.



- xiii) 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.
- xiv) 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.
- 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.

7.00 It is therefore, requested that the proposal for Diversion of 0.8586 Ha. Reserved Forest/Protected forest/Unclassed Forest land for Trenching and Laying Underground Optical Fibre Cable along the road in ROW of NH-63 on Sironcha To Asarali Route in Sironcha Tehsil of Dist. Gadchiroli in the State of Maharashtra (FP/MH/OFC/155790/2022). may please be approved under section 2 (ii) of the Forest (Conservation) Act, 1980.



(Dr. Y. L. P. Rao)

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