

**Diversion of 0.8808 ha. Protected Forest/Reserved Forest /Private Forest land for laying of underground Optical Fiber Cable Line along in ROW of State Highway. 30, 34A & 77 & MDR-21 from Route Jawhar-Sakur-Pochade- in Tal. Jawhar, Vikramgad, Wada, Dist. Palghar in the State of Maharashtra**

**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 diversion of 0.8808 ha. Protected/Reserved/Private Forest land under Section-2 (ii) of the Forest (Conservation) Act, 1980 for laying of Optical Fiber Cable line in ROW of S. H. 30, 34A & S. H. 77 & MDR-21 from Route Jawhar-Sakur-Pochade- in Tal. Jawhar, Vikramgad, Wada, Dist. Palghar in the State of Maharashtra.

2. Total 1.22945 ha. Non-forest land involved in this project. The detailed area statement of forest land is shown as under:-

Sr. No.	Name of Village	Taluka	Survey No.	Gut No.	Comp. No.	Length & Width	Area in Sq mtr	Area (Ha)	Legal Status
1.	Jawhar	Jawhar	204	0	-	1100 x 0.5	550	0.0550	PF
2.	Akhar		13	-	-	1340 x 0.5	670	0.0670	
3.	Sakur		36	119	-	705 x 0.5	352.5	0.0352	
4.	Pathardi (Ramkhind)		68	-	-	1120 x 0.5	560	0.0560	
5.	Chawk		52	17	239	1310 x 0.5	655	0.0655	RF
			17	44, 45, 46, 17	-	435 x 0.5	217.5	0.0217	PF
			18	48	-	228 x 0.5	114	0.0114	
			19	49	-	221 x 0.5	110.5	0.0111	
			19	50	-	146 x 0.5	73	0.0073	
			19	51	-	124 x 0.5	62	0.0062	
6.	Medhe		5	27	235	1000 x 0.5	500	0.0500	RF
			8	20	-	260 x 0.5	130	0.0130	PF
7.	Sakhare	Vikarmgad	14	250	-	430 x 0.5	215	0.0215	
			2	2	-	920 x 0.5	460	0.0460	RF
			102	102	-	120 x 0.5	60	0.0060	
			154	124	268	670 x 0.5	335	0.0335	
8.	Jambhe		78	140	240	720 x 0.5	360	0.0360	
9.	Pochada		33	100	242	1234 x 0.5	617	0.0617	PF
			32	99	-	344 x 0.5	172	0.0172	
			31	103, 104, 105, 108/A	-	226 x 0.5	113	0.0113	Private Forest
			35	111	-	107 x 0.5	53.5	0.0053	
			-	15	-	61 x 0.5	30.5	0.0031	
			-	39	-	44 x 0.5	22	0.0022	
			-	38	-	148 x 0.5	74	0.0074	
			-	37	-	66 x 0.5	33	0.0033	

D/14-18



10.	Walki		-	193	-	350 x 0.5	175	0.0175	RF
			-	204	-	96 x 0.5	48	0.0048	Private Forest
			-	205	-	177 x 0.5	88.5	0.0089	
			-	213	-	44 x 0.5	22	0.0022	
			-	181	-	283 x 0.5	141.5	0.0142	
			-	180	-	26 x 0.5	13	0.0013	
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11.	Malwade		-	346	-	99 x 0.5	49.5	0.0050	Private Forest
			-	347	-	187 x 0.5	93.5	0.0093	
12.	Paste	Wada	24	-	-	115 x 0.5	57.5	0.0057	PF
13.	Sasane		46	-	-	1102 x 0.5	551	0.0551	RF
14.	Manivai		55	-	-	25 x 0.5	12.5	0.0012	PF
			31	-	-	380 x 0.5	190	0.0190	Private Forest
15.	Devali		-	-	-	819 x 0.5	409.5	0.0410	RF
16.	Harsole		-	75	-	251 x 0.5		0.0126	
17.	Wada		-	298	-			0.0089	
		<b>Total</b>						<b>0.8808</b>	

#### Summary

Reserved Forest in ha	Protected Forest in ha.	Private Forest in ha.	Total in ha
0.4278	0.3540	0.0990	0.8808

3. The project has been initiated by M/s. Reliance JIO, Infocomm Ltd, Hingna Road , Nagpur, for laying of Optical Fiber Cable line along in ROW of State Highway 30, 34A & 77 & MDR-21 from Route Jawhar-Sakur-Pochade- in Tal. Jawhar, Vikramgad, Wada, Dist. Palghar in the State of Maharashtra.

4. The User Agency has highlighted that as per Govt of India policy, it is planned to lay Optical Fiber Cable for reliable communication from remote place to District/State Headquarters. The proposed laying of underground Optical Fiber Cable along State Highway 30 , 34A & 77 and MDR-21 from Route Jawhar-Pochade- Wada in Tal Jawhar, Vikramgad & Wada, Distt-Palghar. Other than the villages which were not falls within the proposed ROW also been connected. This route has been approved by the Reliance Jio Infocomm Ltd Mumbai. Aim of the project is to provide the people of under developed areas with reliable and high speed media connectivity. Therefore the User Agency has submitted the proposal for diversion of 0.8808 ha forest land (PF/RF and Private Forest) for laying of Optical Fiber Cable under section 2 (ii) of the Forest (Conservation) Act, 1980

5. Keeping in mind the above, the project authority has submitted the proposal for diversion of 0.8808 ha. forest land for approval under the Forest (Conservation) Act, 1980. The aforesaid project is pursuant to the directives issued by the Government of India, Ministry of Communications & IT Department of Telecommunications vide their letter No 10-31/2011-CS-III, dt 23/06/2011.

2.4 Executive Engineer, Public Works Division, Jawhar accorded E-permission for laying utility vide letter No ON/PW/Dn/Jawhar/2744 dated 13/05/2019, ON/PW/Dn/Jawhar/2747 dated 13/05/2019, ON/PW/Dn/Jawhar/2742 dated 13/05/2019, ON/PW/Dn/Jawhar/2738 dated 13/05/2019 and ON/PW/Dn/Jawhar/2741 dated 13/05/2019. Executive Engineer Public Works Division, Palghar accorded E permission for laying utility with reference to Chief Engineer Mumbai



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letter dated 1) मुअ ( मुं)/ रेखाचित्र शाखा/नाहप्र/ओएफसी/क-773/687 दिनांक 14/02/2019, (2) मुअ ( मुं)/ रेखाचित्र शाखा/नाहप्र/ओएफसी/क-774/690 दिनांक 14/02/2019 (3) मुअ ( मुं)/ रेखाचित्र शाखा/नाहप्र/ओएफसी/क-661/ 4570 दिनांक 03/07/2018 (4) मुअ ( मुं)/ रेखाचित्र शाखा/नाहप्र/ओएफसी/क-660/4572 दिनांक 03/07/2018 (5) मुअ ( मुं)/ रेखाचित्र शाखा/नाहप्र/ओएफसी/क-659/4571 दिनांक 03/07/2018.

3. Government of India has conveyed its general approval under section -2 (ii) of forest (Conservation) Act 1980 vide chapter 4 of comprehensive Guidelines issued vide letter No 5-2/2017-FC dated 28/03/2019 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' is 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 GOI letter dated 15/02/2018. The proposed Optical Fiber underground Cable Line is passing through within the existing ROW of the of State Highway. 30, 34A & 77 & MDR-21 from Route Jawhar-Sakur-Pochade-in Tal. Jawhar, Vikramgad, Wada, Dist. Palghar in the State of Maharashtra

c/18-15

4. The Chief Conservator of Forests (T), Thane vide letter No 10/FCA/CR/18-19/OW-556/2019-20, dated 08/01/2020 has submitted the proposal along with requisite documents for recommending the proposal :-

c/K-13

5. **The Deputy Conservator of Forests, Jawhar has certified that :-**

- 5.1 No suitable Alternate non forest land is available for the purpose and demand for the required forest land is lowest minimum demand for the same. p/27-28
- 5.2 There is no cutting and felling of trees involved in the proposed project p/34
- 5.3 The proposed area is not included in the area of any National Park/Wildlife Sanctuary or Nature reserve. p/65-66
- 5.4 The proposed area does not falls within 10 km from the boundary of nearest protected area. p/65-66
- 5.5 Provision of FCA, 1980 and guidelines under it has been violated in project by User Agency p/38-50

The User Agency Reliance Jio Infocomm Ltd had done an offence by digging/trenching over 0.0600 ha in the Protected Forest, Survey No 61, Village-Vaki, & Protected Forest Survey No 37, Village Malwada Range-Vikramgad in Jawhar Forest Division. An offence was booked under Indian Forest Act 1927 under Section 33(1). The accused was arrested and was produced before Judicial Magistrate First Class Jawhar Court dated 09/05/2019. The compliant case against offender has been registered in the Court of Judicial Magistrate First Class Jawhar on 14/11/2019 bearing Court case No SCC/375/2019.

Violation report submitted

The concerned User Agency has accepted the offence & is ready to pay the penalty and penal compensation as per rule FCA, 1980.

- 5.6 The proposed area not likely to affect any monument site of culture, historical, religious, archeological importance. p/64
- 5.7 1.00 ha of Survey No 18 at Village Shil, Tal-Vikarmgad, Distt-Palghar identified for Compensatory afforestation and suitable for afforestation and management purpose also it is free from encroachment and encumbrances p/60,76



- 5.8 The Proposed area belongs to Eco-value Class-I, **Density 0.4.** P/57-59
- 5.9 DCF Jawhar certified that the proposed OFC line is being proposed along the road and forms part of the ROW. P/101
- 5.10 The non forest land 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 under interim judgment of the Hon'ble Supreme Court dated 12/12/1996 P/75-7
- 5.11 The Deputy Conservator of Forest, Jawhar has submitted the site inspection report dated 05/04/2019 and 08/05/2019 P/73-7
- 5.12 The Deputy Conservator of Forests, Jawhar has recommended the proposal for approval as the Optical Fiber cable project are mainly to provide the people of under developed areas with reliable and high speed media connectivity, which is very important in current days to develop information and technology. P/112
6. **The User Agency has submitted the following undertakings :-**
- 6.1 To defray the cost of Net Present Value . P/135
- 6.2 To defray the cost as determined by the Forest Department for compensatory afforestation on degraded forest land . P/136
- 6.3 Project Authority accepted the offence and agrees to pay penalty and penal compensation as per Forest Conservation Act, 1980 P/141
- 6.4 The project is in ROW alongwith State Highway, hence settlement of rights in accordance with the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act -2006 not required. However it required the same will be submitted. P/178
- 6.5 Agree to leveled the land to its original level by proper black filling. P/130
- 6.6 The project authority has agrees to provide 2MBPS Bandwidth independently at free of cost, to Forest Department. The case is forwarded to Reliance JIO Infocomm Ltd and further action will be taken as per guidelines issued by RJIL HQ. P/132
7. **In view of this, the proposal is recommended for approval under section - 2 (ii) subject to the following conditions.**
- 7.1 The legal status of the land shall remain unchanged.
- 7.2 As per GOI guidelines No FC-11/165/2019FC dated 27/07/2020, the compensatory afforestation may not be levied in case of laying of underground Optical Fiber Cables (OFC) . Therefore cost of compensatory afforestation may not be insist upon User Agency. d/19
- 7.3 Net Present Value is exempted for laying of underground optical Fibre cable as per GOI guidelines No 5-3/2007-FC dated 05/02/2009. However, For violation of FCA, 1980 as penalty, the user agency will defray the cost (equal to NPV of forest land per hectare for each year of violation from the date of actual diversion as reported by the inspecting officer with maximum upto (5) five times the NPV plus 12 percent simple interest till the deposit is made in accordance with Government of India advisory number 11-42/2017- FC, dated 29/01/2018.



- 7.4 No felling of trees shall be done during the implementation of project.
- 7.5 The optical fiber cable line will be laid within maximum size of the trench of 2.00 m depth & 1.00 m width with cable line under the PVC Pipeline.
- 7.6 The user agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, , if applicable
- 7.7 The layout plan of the proposal shall not be changed without prior approval of Central Government.
- 7.8 No labour camps shall be established on forest land.
- 7.9 Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
- 7.10 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- 7.11 The User Agency will seek permission from the local Forest Department for varying out any maintenance.
- 7.14 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
- 7.15 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.
- 7.16 No new forest area beyond the Right of Way of existing road should be broken for laying Optical Fiber Cable.
- 7.17 After completion of the project the area under RoW should be reclaimed suitably.
- 7.18 The sanction will be subject to the final clearance by the Department of Information & Technology, GOI in pursuance to their letter dated 23/06/2011 and concerned PWD authorities for the project.
- 7.19 The user agency will be authorized to lay the Optical Fiber Cable only outside the confines of the protected area. Any breach of the conditions by the user agency will be treated as violation of the provision of Forest (Conservation) Act, 1980.
- 7.20 Any other condition that the Ministry of Environment, Forest & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & Wildlife.
- 7.21 The user agency shall compensate the private owner of forest land, if any in accordance with the prevalent laws, rules and guidelines.
- 7.22 All the conditions stipulated by the Forest Department shall be binding on the user agency.



- 7.23 All other conditions as may be mandatory under relevant Acts, Rules and Guidelines shall be complied with by the user agency.
- 7.24 All necessary approvals required for the project as per prevailing laws of the land would be obtained by the user agency before statutory sanction.



(Dr. N Rambabu)

Principal Chief Conservator of Forests

(Head of Forest Force)

Maharashtra State, Nagpur

*hm*  
*6/8/2020*

*S.D. Wadhwa*  
*6/8/2020*



**PART -IV****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)

Sub.- M/s. Reliance JIO, Infocomm Ltd, Hingna Road , Nagpur has submitted the proposal for diversion of 0.8808 ha. Protected/Reserved/Private Forest land for laying of Optical Fiber Cable line in ROW of State Highway 30, 34A & 77 & MDR-21 from Route Jawhar-Sakur-Pochade- in Tal. Jawhar, Vikramgad, Wada, Dist. Palghar in the State of Maharashtra under section 2 (ii) of the Forest (Conservation) Act ,1980. The details of the forest land proposed for diversion is as under :-

Sr. No.	Name of Village	Taluka	Survey No.	Gut No.	Comp. No.	Length & Width	Area in Sq mtr	Area (Ha)	Legal Status
1.	Jawhar	Jawhar	204	0	-	1100 x 0.5	550	0.0550	PF
2.	Akhar		13	-	-	1340 x 0.5	670	0.0670	
3.	Sakur		36	119	-	705 x 0.5	352.5	0.0352	
4.	Pathardi (Ramkhind)		68	-	-	1120 x 0.5	560	0.0560	
5.	Chawk		52	17	239	1310 x 0.5	655	0.0655	RF
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6.	Medhe		5	27	235	1000 x 0.5	500	0.0500	RF
			8	20	-	260 x 0.5	130	0.0130	PF
7.	Sakhare	Vikarmgad	14	250	-	430 x 0.5	215	0.0215	PF
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			154	124	268	670 x 0.5	335	0.0335	
8.	Jambhe		78	140	240	720 x 0.5	360	0.0360	RF
9.	Pochada		33	100	242	1234 x 0.5	617	0.0617	
			32	99	-	344 x 0.5	172	0.0172	PF
			31	103, 104, 105, 108/A	-	226 x 0.5	113	0.0113	Private Forest
			35	111	-	107 x 0.5	53.5	0.0053	
			-	15	-	61 x 0.5	30.5	0.0031	
			-	39	-	44 x 0.5	22	0.0022	
			-	38	-	148 x 0.5	74	0.0074	
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10.	Walki		-	193	-	350 x 0.5	175	0.0175	RF
			-	204	-	96 x 0.5	48	0.0048	Private
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11.	Malwade		-	346	-	99 x 0.5	49.5	0.0050	Private
			-	347	-	187 x 0.5	93.5	0.0093	Forest
12.	Paste	Wada	24	-	-	115 x 0.5	57.5	0.0057	PF
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15.	Devali		-	-	-	819 x 0.5	409.5	0.0410	RF
16.	Harsole		-	75	-	251 x 0.5		0.0126	
17.	Wada		-	298	-			0.0089	
Total								0.8808	

#### Summary

Reserved Forest in ha	Protected Forest in ha.	Private Forest in ha.	Total in ha
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**Specific recommendation of Principal Chief Conservator of Forests (HoFF) MS Nagpur is attached on page no. 13B.**

Date : 13 /08/2020  
Place : Nagpur

(Sanjeev Gaur)  
Additional Principal Chief Conservator of Forests  
& Nodal Officer





Certified by ISO  
9001:2015

**Office of the Principal Chief Conservator of Forests  
(Head of Forest Force), Maharashtra State**

**Additional Principal Chief Conservator of Forests and Nodal Officer,  
Maharashtra State, Nagpur**

**First Floor, 'B' Wing, Van Bhavan, Civil Lines, Nagpur-440001**

**Tel no. (0712) 2556916, Fax no. (0712) 2550675**

**E-mail- apccfnodal@mahaforest.gov.in Website: www.mahaforest.gov.in**

**Sub.:-** Proposal for diversion of 0.8808 ha. Protected/Reserved/  
Private Forest land in favour M/s. Reliance JIO, Infocomm  
Ltd, Hingna Road , Nagpur for laying of Optical Fiber  
Cable line in ROW of State Highway 30, 34A & 77 & MDR-  
21 from Route Jawhar-Sakur-Pochade- in Tal. Jawhar,  
Vikramgad, Wada, Dist. Palghar in the State of  
Maharashtra.

No. : Desk-17/NC/II/ID 12770/(71)/ **368** /2020-21  
Nagpur – 440 001, Dated: **13/08/2020**

To ,

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

**Ref :-** CCF (T) Thane letter No. 10/FCA/CR/18-19/OW-556/2019-20, dated 08/01/2020

The proposal is for diversion of 0.8808 ha. Protected/Reserved/Private Forest land under Section-2 (ii) of the Forest (Conservation) Act,1980 for laying of Optical Fiber Cable line in ROW of State Highway 30, 34A & 77 & MDR-21 from Route Jawhar-Sakur-Pochade- in Tal. Jawhar, Vikramgad, Wada, Dist. Palghar in the State of Maharashtra. Total 1.22945 ha. Non-forest land involved in this project. The detailed area statement of forest land is shown as under:-

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NOTED IN COMPUTER  
SOFTWARE at Sr. No. **12770**  
on **17/8/2020**



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0.4278	0.3540	0.0990	0.8808

2. The project has been initiated by M/s. Reliance JIO, Infocomm Ltd, Hingna Road , Nagpur, for laying of Optical Fiber Cable line along in ROW of State Highway 30, 34A & 77 & MDR-21 from Route Jawhar-Sakur-Pochade- in Tal. Jawhar, Vikramgad, Wada, Dist. Palghar in the State of Maharashtra.

2.1. The User Agency has highlighted that as per Govt of India policy, it is planned to lay Optical Fiber Cable for reliable communication from remote place to District/State Headquarters. The proposed laying of underground Optical Fiber Cable along State Highway 30 , 34A & 77 and MDR-21 from Route Jawhar-Pochade- Wada in Tal Jawhar, Vikramgad & Wada, Distt-Palghar. Other than the villages which were not falls within the proposed ROW also been connected. This route has been approved by the Reliance Jio Infocomm Ltd Mumbai. Aim of the project is to provide the people of under developed areas with reliable and high speed media connectivity. Therefore the User Agency has submitted the proposal for diversion of 0.8808 ha forest land (PF/RF and Private Forest) for laying of Optical Fiber Cable under section 2 (ii) of the Forest (Conservation) Act, 1980



2.2. Keeping in mind the above, the project authority has submitted the proposal for diversion of 0.8808 ha. forest land for approval under the Forest (Conservation) Act, 1980. The aforesaid project is pursuant to the directives issued by the Government of India, Ministry of Communications & IT Department of Telecommunications vide their letter No 10-31/2011-CS-III, dt 23/06/2011.

2.3 Executive Engineer, Public Works Division, Jawhar accorded E-permission for laying utility vide letter No ON/PW/Dn/Jawhar/2744 dated 13/05/2019, ON/PW/Dn/Jawhar/2747 dated 13/05/2019, ON/PW/Dn/Jawhar/2742 dated 13/05/2019, ON/PW/Dn/Jawhar/2738 dated 13/05/2019 and ON/PW/Dn/Jawhar/2741 dated 13/05/2019. Executive Engineer Public Works Division, Palghar accorded E permission for laying utility with reference to Chief Engineer Mumbai letter dated 1) मुअ ( मुं)/ रेखाचित्र शाखा/नाहप्र/ओएफसी/क-773/687 दिनांक 14/02/2019, (2) मुअ ( मुं)/ रेखाचित्र शाखा/नाहप्र/ओएफसी/क-774/690 दिनांक 14/02/2019 (3) मुअ ( मुं)/ रेखाचित्र शाखा/नाहप्र/ओएफसी/क-661/ 4570 दिनांक 03/07/2018 (4) मुअ ( मुं)/ रेखाचित्र शाखा/नाहप्र/ओएफसी/क-660/4572 दिनांक 03/07/2018 (5) मुअ ( मुं)/ रेखाचित्र शाखा/नाहप्र/ओएफसी/क-659/4571 दिनांक 03/07/2018.

3. Government of India has conveyed its general approval under section -2 (ii) of forest (Conservation) Act 1980 vide chapter 4 of comprehensive Guidelines issued vide letter No 5-2/2017-FC dated 28/03/2019 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' is 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 GOI letter dated 15/02/2018. The proposed Optical Fiber underground Cable Line is passing through within the existing ROW of the of State Highway. 30, 34A & 77 & MDR-21 from Route Jawhar-Sakur-Pochade-in Tal. Jawhar, Vikramgad, Wada, Dist. Palghar in the State of Maharashtra.

4. The Chief Conservator of Forests (T), Thane vide letter No 10/FCA/CR/18-19/OW-556/2019-20, dated 08/01/2020 has submitted the proposal along with requisite documents for recommending the proposal :-

5. **The Deputy Conservator of Forests, Jawhar has certified that :-**

- 5.1 No suitable Alternate non forest land is available for the purpose and demand for the required forest land is lowest minimum demand for the same.
- 5.2 There is no cutting and felling of trees involved in the proposed project
- 5.3 The proposed area is not included in the area of any National Park/Wildlife Sanctuary or Nature reserve.
- 5.4 The proposed area does not falls within 10 km from the boundary of nearest protected area.
- 5.5 Provision of FCA, 1980 and guidelines under it has been violated in project by User Agency

The User Agency Reliance Jio Infocomm Ltd had done an offence by digging/trenching over 0.0600 ha in the Protected Forest, Survey No 61, Village-Vaki, & Protected Forest Survey No 37, Village Malwada Range-Vikramgad in Jawhar Forest Division. An offence was booked under Indian Forest Act 1927 under Section 33(1). The accused was arrested and was produced before Judicial Magistrate First Class Jawhar Court dated 09/05/2019. The compliant case against offender has been registered in the Court of Judicial Magistrate First Class Jawhar on 14/11/2019 bearing Court case No SCC/375/2019.

Violation report submitted



The concerned User Agency has accepted the offence & is ready to pay the penalty and penal compensation as per rule FCA, 1980.

- 5.6 The proposed area not likely to affect any monument site of culture, historical, religious, archeological importance.
- 5.7 1.00 ha of Survey No 18 at Village Shil, Tal-Vikarmgad, Distt-Palghar identified for Compensatory afforestation and suitable for afforestation and management purpose also it is free from encroachment and encumbrances
- 5.8 The Proposed area belongs to Eco-value Class-I, **Density 0.4.**
- 5.9 DCF Jawhar certified that the proposed OFC line is being proposed along the road and forms part of the ROW.
- 5.10 The non forest land 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 under interim judgment of the Hon'ble Supreme Court dated 12/12/1996
- 5.11 The Deputy Conservator of Forest, Jawhar has submitted the site inspection report dated dated 05/04/2019 and 08/05/2019
- 5.12 The Deputy Conservator of Forests, Jawhar has recommended the proposal for approval as the Optical Fiber cable project are mainly to provide the people of under developed areas with reliable and high speed media connectivity, which is very important in current days to develop information and technology.
6. **The User Agency has submitted the following undertakings :-**
  - 6.1 To defray the cost of Net Present Value .
  - 6.2 To defray the cost as determined by the Forest Department for compensatory afforestation on degraded forest land .
  - 6.3 Project Authority accepted the offence and agrees to pay penalty and penal compensation as per Forest Conservation Act, 1980
  - 6.4 The project is in ROW alongwith State Highway, hence settlement of rights in accordance with the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act -2006 not required. However it required the same will be submitted.
  - 6.5 Agree to leveled the land to its original level by proper black filling.
  - 6.6 The project authority has agrees to provide 2MBPS Bandwidth independently at free of cost, to Forest Department. The case is forwarded to Reliance JIO Infocomm Ltd and further action will be taken as per guidelines issued by RJIL HQ.

**7. In view of this, the proposal is recommended for approval under section - 2 (ii) subject to the following conditions.**

- 7.1 The legal status of the land shall remain unchanged.
- 7.2 As per GOI guidelines No FC-11/165/2019FC dated 27/07/2020, the compensatory afforestation may not be levied in case of laying of underground Optical Fiber Cables (OFC) . Therefore cost of compensatory afforestation may not be insist upon User Agency.



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- 7.3 Net Present Value is exempted for laying of underground optical Fiber cable as per GOI guidelines No 5-3/2007-FC dated 05/02/2009. However, For violation of FCA, 1980 as penalty, the user agency will defray the cost (equal to NPV of forest land per hectare for each year of violation from the date of actual diversion as reported by the inspecting officer with maximum upto (5) five times the NPV plus 12 percent simple interest till the deposit is made in accordance with Government of India advisory number 11-42/2017- FC, dated 29/01/2018.
  - 7.4 No felling of trees shall be done during the implementation of project.
  - 7.5 The optical fiber cable line will be laid within maximum size of the trench of 2.00 m depth & 1.00 m width with cable line under the PVC Pipeline.
  - 7.6 The user agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, , if applicable
  - 7.7 The layout plan of the proposal shall not be changed without prior approval of Central Government.
  - 7.8 No labour camps shall be established on forest land.
  - 7.9 Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State forest Department or the Forest Development Corporation or any other legal source of alternate fuel.
  - 7.10 No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
  - 7.11 The User Agency will seek permission from the local Forest Department for varying out any maintenance.
  - 7.14 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
  - 7.15 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.
  - 7.16 No new forest area beyond the Right of Way of existing road should be broken for laying Optical Fiber Cable.
  - 7.17 After completion of the project the area under RoW should be reclaimed suitably.
  - 7.18 The sanction will be subject to the final clearance by the Department of Information & Technology, GOI in pursuance to their letter dated 23/06/2011 and concerned PWD authorities for the project.
  - 7.19 The user agency will be authorized to lay the Optical Fiber Cable only outside the confines of the protected area. Any breach of the conditions by the user agency will be treated as violation of the provision of Forest (Conservation) Act, 1980.



- 7.20 Any other condition that the Ministry of Environment, Forest & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & Wildlife.
- 7.21 The user agency shall compensate the private owner of forest land, if any in accordance with the prevalent laws, rules and guidelines.
- 7.22 All the conditions stipulated by the Forest Department shall be binding on the user agency.
- 7.23 All other conditions as may be mandatory under relevant Acts, Rules and Guidelines shall be complied with by the user agency.
- 7.24 All necessary approvals required for the project as per prevailing laws of the land would be obtained by the user agency before statutory sanction.

8. In view of para 3 above, it is requested that the Government of Maharashtra may kindly accord general approval for diversion of 0.8808 ha. Protected/Reserved/Private Forest land in favour of M/s. Reliance JIO, Infocomm Ltd, Hingna Road , Nagpur for laying of Optical Fiber Cable line in ROW of State Highway 30, 34A & 77 & MDR-21 from Route Jawhar-Sakur-Pochade- in Tal. Jawhar, Vikramgad, Wada, Dist. Palghar in the State of Maharashtra under section 2 (ii) of the Forest (Conservation) Act ,1980.

Encls : As above

(Sanjeev Gaur)  
Additional Principal Chief Conservator of Forests  
& Nodal Officer

12/8/2020

Copy forwarded to Chief Conservator of Forests, (T) Thane for information.

Copy forwarded to Deputy Conservator of Forests , Jawhar for information.

Copy forwarded to M/s. Reliance JIO, Infocomm Ltd, E3, MIDC, Hingna Road , Nagpur,

All forwarding copies  
Received  
13/8/2020  
A xerox set will be  
submitted by 18/8/2020  
Pranay Patil