

Office of the Principal Chief Conservator of Forests (Head of Forests Force),

Maharashtra State, Nagpur

Additional Principal Chief Conservator of Forests & Nodal Officer, M.S.Nagpur

1st Floor, B Wing, Van Bhavan, Ramgiri Road, Civil Lines, Nagpur- 440 001

Tel.No.: 0712- 2556916 , E-mail: apccfnodal@mahaforest.gov.in

New-Proposal

No. : Desk-17/FCA-S1/PID-33979/Yavatmal/ 1289
Nagpur – 440 001, Dated - 25/07/2023

To,
The Principal Secretary (Forests),
Revenue & Forest Department,
Mantralaya, Mumbai – 400032

Sub:- Proposal for diversion of 0.1837 ha. forest land for laying Optical Fiber Cable of Reliance Jio Infocomm Ltd. along Yavatmal to Nandgaon Khandeshwar on MHS 14 Lonara-Malkhed-Ner road from Km. 50/00 to Km. 78/00 in Yavatmal Forest Division, District -Yavatmal in the State of Maharashtra. (FP/MH/OFC/33979/2018).

M/s Reliance Jio Infocomm Ltd. Nagpur has submitted proposal for diversion of 0.1837 ha. forest land for laying Optical Fiber Cable of Reliance Jio Infocomm Ltd. Yavatmal to Nandgaon Khandeshwar on MHS 14 Lonara-Malkhed-Ner road from Km. 50/00 to Km. 78/00 in Yavatmal Forest Division, District -Yavatmal in the State of Maharashtra. (FP/MH/OFC/33979/2018).

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

Sr. No.	Item	Name of the Village	Compartment No.	Gut No.	Length x Width (in Mtr)	Area (in Ha)	Remarks
1	The proposal for diversion of 0.1837 ha. forest land for laying Optical Fiber Cable of Reliance Jio Infocomm Ltd. along Yavatmal to Nandgaon Khandeshwar on MHS 14 Lonara-Malkhed-Ner road from Km. 50/00 to Km. 78/00 in Yavatmal Forest Division, District - Yavatmal in the State of Maharashtra. (FP/MH/OFC/33979 /2018).	Lohara	465	59/1	2000 x 0.40	0.0800	RF
		Malkhed	420	28,29, 30	1162.5 x 0.40	0.0465	RF
		Ner Nawabpur	425, 426	82, 92, 104, 105/1, 106/1	1430 x 0.40	0.0572	RF
Total Forest Area (in ha.)						0.1837	

3.00 The project has been initiated by M/s Reliance Jio Infocomm Ltd., Nagpur for seeking approval under Forest (Conservation) Act, 1980 for diversion of 0.1837 ha. forest land for laying Optical Fiber Cable of Reliance Jio Infocomm Ltd. along Yavatmal to Nandgaon Khandeshwar on MHS 14 Lonara-Malkhed-Ner road from Km. 50/00 to Km. 78/00 in Yavatmal Forest Division, District -Yavatmal in the State of Maharashtra. 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 0.1837 ha forest land under the Forest (Conservation) Act, 1980.

The total non forest land involved in this project is 0.2296 ha. The site inspection report of the Deputy Conservator of Forests, Yavatmal Forest Division, Yavatmal is enclosed file on page no 28 to 29.

4.0 Following documents as prescribed in Government Circular, Revenue and Forest Department No.FLD-1081/2041/(A)/F-3, dated 20/03/1982 and according to Government of India's instructions issued from time to time are enclosed.

- 4.1 Prescribed form dated 10/01/2003.
- 4.2 Certificate regarding minimum demand of forest land for the project,
- 4.3 Area Statement,
- 4.4 Index map in suitable scale,

5.00 The Deputy Conservator of Forests, Yavatmal Forest Division, Yavatmal has certified that:-

- 5.1 No suitable alternate land is available and the forest land required is lowest minimum. (PPNo.17)
- 5.2 The area belongs to Eco-value class-III and having density is below 0.4 comes under Southern Tropical Dry Deciduous Forests. (PPNo.28)
- 5.3 There is no cutting and felling of trees involved in this project. (PPNo.23)
- 5.4 The area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc. (PPNo.21)
- 5.5 Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance. (PPNo.20)
- 5.6 There is no violation of Forest (Conservation) Act 1980. (PPNo.18)
- 5.7 The proposed area for the project is beyond 79 kms from the boundary of the protected area (Sanctuary and National Park). (PPNo.24)
- 5.8 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. (PPNo.19)

6.00 The User Agency has submitted an undertaking that:-

- 6.1 To defray the cost of Net Present Value of the forest land proposed under diversion. (PPNo.37)
- 6.2 To defray the cost of compensatory afforestation. (PPNo.37 (A))
- 6.3 The project is in ROW alongwith the State Highway, hence settlement of rights in accordance with Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is not required. (PPNo.131)
- 6.4 The copy of the administrative approval accorded by the Government of Maharashtra, General Administrative Department No. GAD/Matsa 065/C.R.No.28/Sa-4, dated 12/2/2018. (PPNo.41)
- 6.5 The copy of the NOC accorded by the Government of Maharashtra, Public Works Department, Permission for laying utility is enclosed.

7.00 The Deputy Conservator of Forests, Yavatmal Forest Division, Yavatmal and the Conservator of Forests (T), Yavatmal have recommended the proposal for diversion of 0.1837 ha. of Reserved Forest land.

8.00 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 insisted 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 2.00 m depth & 1.0 m width with cable line under the PVC 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 State Government.
- xiii) 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.
- xiv) All the conditions stipulated by the Forest Department shall be binding on the User Agency.
- xv) All other conditions as may be mandatory under relevant Act, Rules and Guidelines shall be compiled with by the User Agency.
- xvi) 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.
- xvii) The User Agency will make good the land after use/maintenance.

8.00 It is therefore, the Government of Maharashtra is being requested for approving the proposal for 0.1837 ha. forest land for laying Optical Fiber Cable of Reliance Jio Infocomm Ltd. Yavatmal to Nandgaon Khandeshwar on MHS 14 Lonara-Malkhed-Ner road from Km. 50/00 to Km. 78/00 in Yavatmal Forest Division, District -Yavatmal in the State of Maharashtra under section 2 (ii) of the Forest (Conservation) Act, 1980.

Encl. :- 1 Copy of Proposal

 25/7/23

(Naresh Zurmure)

**Addl. Principal Chief Conservator of Forests & Nodal Officer
Maharashtra State, Nagpur**

Copy to the Conservator of Forests (Territorial) Yavatmal for information.

Copy to the Deputy Conservator of Forests, Yavatmal Forest Division, Yavatmal for information.

Copy to the M/s Reliance Jio Infocomm Ltd., Nagpur for information.

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)

Sub :- Proposal for diversion of 0.1837 ha. forest land for laying Optical Fiber Cable of Reliance Jio Infocomm Ltd. along Yavatmal to Nandgaon Khandeshwar on MHS 14 Lonara-Malkhed-Ner road from Km. 50/00 to Km. 78/00 in Yavatmal Forest Division, District -Yavatmal in the State of Maharashtra.
(FP/MH/OFC/33979/2018).

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

Sr. No.	Item	Name of the Village	Compar- -tment No.	Gut No.	Length x Width (in Mtr)	Area (in Ha)	Remarks
1	The proposal for diversion of 0.1837 ha. forest land for laying Optical Fiber Cable of Reliance Jio Infocomm Ltd. along Yavatmal to Nandgaon Khandeshwar on MHS 14 Lonara-Malkhed-Ner road from Km. 50/00 to Km. 78/00 in Yavatmal Forest Division, District - Yavatmal in the State of Maharashtra. (FP/MH/OFC/33979 /2018).	Lohara	465	59/1	2000 x 0.40	0.0800	RF
		Malkhed	420	28,29, 30	1162.5 x 0.40	0.0465	RF
		Ner Nawabpur	425, 426	82, 92, 104, 105/1, 106/1	1430 x 0.40	0.0572	RF
Total Forest Area (in ha.)						0.1837	

Specific recommendation of Principal Chief Conservator of Forests (HoFF) MS Nagpur is attached.

(Naresh Zurmure)

Additional Principal Chief Conservator of Forests
& Nodal Officer

Date: 25/7/2023

Place: Nagpur

Proposal for diversion of 0.1837 ha. forest land for laying Optical Fiber Cable of Reliance Jio Infocomm Ltd. along Yavatmal to Nandgaon Khandeshwar on MHS 14 Lonara-Malkhed-Ner road from Km. 50/00 to Km. 78/00 in Yavatmal Forest Division, District -Yavatmal in the State of Maharashtra. (FP/MH/OFC/33979/2018).

**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 0.1837 ha. forest land for laying Optical Fiber Cable of Reliance Jio Infocomm Ltd. along Yavatmal to Nandgaon Khandeshwar on MHS 14 Lonara-Malkhed-Ner road from Km. 50/00 to Km. 78/00 in Yavatmal Forest Division, District -Yavatmal in the State of Maharashtra. (FP/MH/OFC/33979/2018).

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

Sr. No.	Item	Name of the Village	Compar- tment No.	Gut No.	Length x Width (in Mtr)	Area (in Ha)	Remarks
1	The proposal for diversion of 0.1837 ha. forest land for laying Optical Fiber Cable of Reliance Jio Infocomm Ltd. along Yavatmal to Nandgaon Khandeshwar on MHS 14 Lonara-Malkhed-Ner road from Km. 50/00 to Km. 78/00 in Yavatmal Forest Division, District - Yavatmal in the State of Maharashtra. (FP/MH/OFC/33979 /2018).	Lohara	465	59/1	2000 x 0.40	0.0800	RF
		Malkhed	420	28,29, 30	1162.5 x 0.40	0.0465	RF
		Ner Nawabpur	425, 426	82, 92, 104, 105/1, 106/1	1430 x 0.40	0.0572	RF
Total Forest Area (in ha.)						0.1837	

3.00 The project has been initiated by M/s Reliance Jio Infocomm Ltd., Nagpur for seeking approval under Forest (Conservation) Act, 1980 for diversion of 0.1837 ha. forest land for laying Optical Fiber Cable of Reliance Jio Infocomm Ltd. along Yavatmal to Nandgaon Khandeshwar on MHS 14 Lonara-Malkhed-Ner road from Km. 50/00 to Km. 78/00 in Yavatmal Forest Division, District -Yavatmal in the State of Maharashtra. 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 0.1837 ha forest land under the Forest (Conservation) Act, 1980.

The total non forest land involved in this project is 0.2296 ha. The site inspection report of the Deputy Conservator of Forests, Yavatmal Forest Division, Yavatmal is enclosed file on page no 28 to 29.

4.00 The Deputy Conservator of Forests, Yavatmal Forest Division, Yavatmal has certified that:-

- 4.1 No suitable alternate land is available and the forest land required is lowest minimum. (PPNo.17)
- 4.2 The area belongs to Eco-value class-III and having density is below 0.4 comes under Southern Tropical Dry Deciduous Forests. (PPNo.28)
- 4.3 There is no cutting and felling of trees involved in this project. (PPNo.23)
- 4.4 The area involved in the project does not form part of any existing National Park, Wildlife Sanctuary, Nature Reserve etc. (PPNo.21)
- 4.5 Proposed project is not likely to affect any monumental site of cultural, historical, religious, archeological or recreational importance. (PPNo.20)
- 4.6 There is no violation of Forest (Conservation) Act 1980. (PPNo.18)
- 4.7 The proposed area for the project is beyond 79 kms from the boundary of the protected area (Sanctuary and National Park). (PPNo.24)
- 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. (PPNo.19)

5.00 The User Agency has submitted an undertaking that:-

- 5.1 To defray the cost of Net Present Value of the forest land proposed under diversion. (PPNo.37)
- 5.2 To defray the cost of compensatory afforestation. (PPNo.37 (A))
- 5.3 The project is in ROW alongwith the State Highway, hence settlement of rights in accordance with Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 is not required. (PPNo.131)
- 5.4 The copy of the administrative approval accorded by the Government of Maharashtra, General Administrative Department No. GAD/Matsa 065/C.R.No.28/Sa-4, dated 12/2/2018. (PPNo.41)
- 5.5 The copy of the NOC accorded by the Government of Maharashtra, Public Works Department, Permission for laying utility is enclosed.

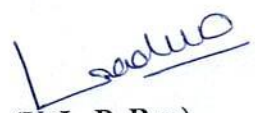
6.00 The Deputy Conservator of Forests, Yavatmal Forest Division, Yavatmal and the Conservator of Forests (T), Yavatmal have recommended the proposal for diversion of 0.1837 ha. of Reserved Forest land.

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: –**

- 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 2.00 m depth & 1.0 m width with cable line under the PVC 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 State Government.
- xiii) 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.
- xiv) All the conditions stipulated by the Forest Department shall be binding on the User Agency.
- xv) All other conditions as may be mandatory under relevant Act, Rules and Guidelines shall be complied with by the User Agency.
- xvi) 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.
- xvii) The User Agency will make good the land after use/maintenance.

8.00 Keeping in view facts mentioned in above para this proposal for diversion of 0.1837 ha. forest land for laying Optical Fiber Cable of Reliance Jio Infocomm Ltd. along Yavatmal to Nandgaon Khandeshwar on MHS 14 Lonara-Malkhed-Ner road from Km. 50/00 to Km. 78/00 in Yavatmal Forest Division, District -Yavatmal in the State of Maharashtra is recommended for approval under Forest (Conservation) Act, 1980.


(Y. L. P. Rao)
Principal Chief Conservator of Forests
(Head of Forest Force)
Maharashtra State, Nagpur

--