



**Government of Jammu and Kashmir
Department of Forest, Environment & Ecology
Civil Secretariat, Jammu.**

Subject:- Use of 2.379 Ha. of forest land in Batote Forest Division for construction of road from Warni to Sarsi via Shree upto village Kelaya Km Ist to Km 10th by PWD(R&B) Department.

- Reference:- (i) Minutes of 110th meeting of the Forest Advisory Committee held on 18.9.2018 under the Chairmanship of Chief Secretary J&K (Chairman FAC), issued by the Chief Conservator of Forests/Nodal Officer (FCA) vide No. PCCF/FCA/2775/5145-65 dated 29.09.2018.
(ii) State Administrative Council Decision No116/16/2018 dated 17.10.2018.
(iii) Letter No. PCCF/FCA/1980/1251-53 dated 12.03.2019 received from the Pr. Chief Conservator of Forests, J&K.

**Government Order No: - 107 -FST of 2019.
D a t e d :- 02 -04- 2019**

Sanction is hereby accorded to the use of 2.379 Ha. of Forest Land in Batote Forest Division for construction of road from Warni to Sarsi via Shree upto village Kelaya Km. Ist to Km. 10th by PWD(R&B) Department with the following particulars:-

Details of the Proposal:

1.	User Agency/Applicant	PWD (R&B) Department
2.	Location	Batote Forest Division Comptt. : 09/M Block : Dedni Range : Marmat District : Doda
3.	Objective	To provide road connectivity to villages Chanshu Bhanadan, Denthly and Kalaya. It will benefit population of 1810 souls as per 2011 census.
4.	Salient Features of the project:	
	I	Total Length of the road 5.00 Km.
	II	Length of the road through Forest land in Batote Forest Division 2165 Mtrs.
	III	Width 6.00Mtr
	IV	Therefore forest land required for road in Batote Forest Division 1.299 Ha.
	V	Forest land required for (3)Muck dumping sites.in compt. 09/M in Batote Forest Division 0.75 Ha

SAC (P&A)

4

VI	Execution loss @ 25%	0.33 Ha.
VII	Total forest area involved in Batote Forest Division	2.379 Ha
VIII	Protection work	The details of protection works such as Breast/Retaining/Edge walls and drainage crossing on the forest land has been provided in DPR as per requirement.

5. Number of Trees / Poles/ Saplings involved:

Forest Division	Species	Trees (30-40cm & above)	Poles (20-30cm & 10-20cm)	Saplings (0-10cm)	Total
Batote	Kail (<i>Pinus wallichiana</i>)	2	14	18	34
	Deodar (<i>Cedrus deodara</i>)	1	6	22	29
	Broad Leaved: Kahu (<i>Olea cuspidate</i>) Kainth (<i>Pyrus pashia</i>) Kakarsinghi (<i>Pistacia integerrima</i>) etc	165	324	464	953
	Total	168	344	504	1016

6.	a	Whether the forest land proposed to be used for non-forest purpose forms part of a natural reserve, national park, wildlife sanctuary, biosphere reserve or forms part of the habitat of any endangered or threatened species of flora and fauna or any area lying in severely eroded catchment.	No
	b	Whether the use of any forest land is for agriculture purposes or for the rehabilitation of displaced persons.	No
	c	Whether the Principal Chief Conservator of Forests had certified that it has, considered all other alternatives and that no other alternative in circumstances are feasible and that the required area is the minimum needed for the purposes, and,	Yes
	d	Whether the department or authority requisitioning forest land for non-forest uses undertakes to provide at its own cost acquisition of an equivalent area and afforestation thereof.	The User Agency requisitioning forest land for non-forest purpose has not undertaken to provide an equivalent area at its own cost of acquisition; however the Dy.

[Signature]

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					Commissioner concerned has agreed to provide equivalent land for afforestation. The user agency has agreed to pay the cost of afforestation on this land. Further it has undertaken to pay the NPV as per the Hon'ble Supreme court directions.		
7.	Net Present Value of forest land involved:						
	Forest Division	Comptt. No.	Area involved (Ha.)	Crop Density	Eco-Value Class	Rate/ Ha (Rs. In Lac)	Amount
	Batote	09/M	2.379	Dense	V	8.45	Rs. 20,10,255/-
8.	Compensatory Afforestation : The Dy. Commissioner, Doda vide his letter NO: 3395-98/SQ dated 03.03.2018 has certified that state land measuring 130 kanals 04 marlas under Khasra No. 40 of Village Kalaya, Tehsil Doda is available which can be transferred to Forest Department. Therefore, only one time compensation is chargeable from the User Agency.				Rs. 2,37,900/-		
9.	Compensation of trees/poles/saplings				Rs. 28,49,054/-		

The user agency has made the payment in full of the amount summarized below as reported by PCCF vide letter mentioned at Ref. (iii):-

S. No.	Component	Amount
i.	Net present Value	Rs. 20,10,255/-
ii.	Compensatory Afforestation	Rs. 2,37,900/-
iii.	Com,pensatin of trees/poles/saplings	Rs. 28,49,054
	Total	Rs. 50,97,209

Terms and Conditions:-

1. The proprietary and legal status of forest land shall remain unchanged.
2. The User Agency and /or its contractors will not bring any forest area under their use, other than the actual area/activity approved by the Government for the instant proposal. Any laxity or deviation on this account by the User Agency or its contractors will attract penal provisions of the relevant Acts/legal provisions.
3. The forest land shall be utilized only for the purpose for which it has been indented.
4. The forest land shall not be mortgaged, reassigned, leased or sub-leased by user agency in any manner what so ever to any other agency.
5. The User Agency shall pay the additional amount of NPV, if so determined as per decision of the Hon'ble Supreme Court of India.

6. (i) The extraction of the trees /poles/saplings shall be done by the State Forest Corporation/Divisional Forest Officer concerned on the basis of markings administratively approved by the Chief Conservator of Forests, Jammu. The marking for tree felling will be done in consultation with the user agency and effort shall be made to save maximum number of trees/poles/saplings. The cost of extraction shall be paid by the User Agency directly to the agency executing the extraction.
- (ii) The fundamental rule for marking of trees, enumerated during processing of the proposals, will be to save maximum number of trees without compromising with the construction and maintenance of the approved project structure and no trees/poles/saplings will be felled/cut/pruned/ lopped for purposes/project activities other than those Approved/sanctioned.
7. The User Agency shall construct retaining walls/breast walls on forest land and take all necessary steps to check soil erosion which may result due to proposed construction.
8. Any damage done to the forest by the User Agency or its contractors shall be charged from the User Agency @ 10 times as per the revised standard rate of 2018 issued vide the Government Order No: 10-FST of 2018 dated: 09.01.2018.
9. The forest land so allowed for use shall return to the Forest Department free of any encumbrances when it is no longer required by the User Agency.
10. The User Agency shall be responsible for obtaining requisite clearances under any other law in vogue before commissioning of the project.
11. The forest land shall be handed over to User Agency only after the equivalent land as agreed by User Agency and certificate issued by Dy. Commissioner, Doda Vide his letter NO: 3395-98/SQ dated. 03.03.2018 is taken possession by Forest Department with mutation as well.

By Order of the Government of Jammu and Kashmir

Sd/-

(Manoj Kumar Dwivedi) IAS
Commissioner/Secretary to Government
Forest, Ecology & Environment Department
Dated:- 02-04-2019

No:-FST/land/79/2018

Copy to the:-

01. Secy. to the Government of India, Ministry of Env., Forests and Climate Change, New Delhi.
02. Commissioner/Secretary to Government, PWD(R&B) Department.
03. Principal Chief Conservator of Forests, J&K, Jammu.
04. Managing Director, State Forest Corporation, J&K, Jammu.
05. Chief Conservator of Forests, Jammu.
06. CCF/Nodal Officer, FCA, office of the PCCF, J&K, Jammu
07. Director, Archives, Archaeology & Museums J&K, Jammu
08. OSD to Hon'ble Advisor (K) for kind information of Hon'ble Advisor.
09. Pvt. Secy. to the Chief Secretary (Chairman FAC).
10. Pvt. Secy. to Comm./Secretary to Government, Department of Forests, Env. & Ecology
11. Pvt. Secy. to Secretary (Technical) Department of Forest, Environment & Ecology.
12. Government order file.(w.2.s.c)

Under Secretary to Government,
Forest, Environment & Ecology Department

Government of Jammu and Kashmir
Office of the Principal Chief Conservator of Forests, J&K

NO. PCCF/FCA/1980/1701-08

Dated 09 -04 -2019

Copy of above forwarded for necessary action to the.

1. Chief Conservator of Forests, Jammu.
2. Chief Engineer, PWD (R&B), Jammu.
3. Conservator of Forests, Chenab Circle, Doda.
4. Divisional Forest Officer, Batote Forest Division, Batote.
5. Executive Engineer, PMGSY Division, Doda.

(P.K.Raghaw), IFS,
CCF & Nodal Officer (FCA)