



Government of Jammu and Kashmir
Department of Forest, Environment & Ecology
Civil Secretariat, Jammu.
www.jkforestadm.nic.in

Subject:- Use of 2.973 Ha. of forest land for construction of road from Juthal to Manoh by PMGSY in Jammu Forest Division

Reference:- (i) Minutes of 107th meeting of the Forest Advisory Committee held on 16.05.2018 under the Chairmanship of Chief Secretary J&K (Chairman FAC), issued by the Chief Conservator of Forests/Nodal Officer (FCA) vide No. PCCF/FCA/2680/2871-89 dated 24.05.2018.
(ii) State Administrative Council Decision No. 5/1/2018 dated 28.06.2018
(iii) Letter No. PCCF/FCA/2150/1520-22 dated 26.03.2019 received from the Pr. Chief Conservator of Forests, J&K.

Government Order No: - 134-FST of 2019
D a t e d :- 25 -04-2019

Sanction is hereby accorded to the use of 2.973 Ha. of forest land for construction of road from Juthal to Manoh by PMGSY in Jammu Forest Division with the following particulars:-

Details of the Current Proposal:

1.	User Agency/Applicant	PMGSY
2.	Location	Comptt. : 7a/K and 7b/K Block : Chowki Choura Range : Kalidhar Division : Jammu Forest Division District : Jammu
3.	Objective	To provide road connectivity to village Manoh. The road will benefit population of 869 people.
4.	Salient Features of the project:	
	I	Total Length of the road
		5.625 Km.
	II	Length of the road through Forest land
		4525 Mtrs.
	III	Width of the road
		6.00 Mtrs.
	IV	Therefore forest land required for road
		2.715 Ha.
	V	Area Proposed for the Muck dumping sites on forest land (03 sites)
		0.258 Ha.
	VI	Total forest area involved in the proposed project
		2.973 Ha.

8. Net Present Value of forest land involved:					
Comptt. No.	Area involved (Ha.)	Crop Density	Eco-Value Class	Rate/ Ha (Rs. In Lac)	Amount (Rs.)
7a/K and 7b/K	2.973	Dense	V	8.45	Rs.25,12,185/-
9. Compensatory Afforestation: Dy. Commissioner Jammu vide his letter No:DCJ/PMGSY/2017-18/1158-59 dated: 07.12.2017 has certified that state land measuring 11 Kanals and 10 Marlas under Khasra No: 122 in village Bal Sro of Tehsil Chowki Choura and 27 Kanals and 5 Marlas under Khasra No: 683 in village Gheur Tehsil Maira Mandrian will be transferred for compensatory afforestation in lieu of forest land. Therefore, only one time compensation shall be charged from the User Agency for 2.2 Ha. and for the remaining 0.773 Ha. double the cost for compensatory afforestation shall be charged..					
10. Compensation of trees/poles/saplings					(Rs.2,20,000 + Rs. 1,54,600) = Rs. 3,74,600/-
					Rs.17,33,746/-

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.25,12,185/-
ii.	Compensatory Afforestation	Rs. 3,74,600/-
iii.	Compensation of trees	Rs.17,33,746/-
Total		Rs. 46,20,531/-

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.

VII	Protection work on forest land	The provision of protection works such as R/Walls and B/Walls has been provided in the DPR as per the requirement															
5.	Crop Density of the area	Dense Forest															
6.	<table border="1"> <tr> <td>a</td> <td>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.</td> <td>No</td> </tr> <tr> <td>b</td> <td>Whether the use of any forest land is for agriculture purposes or for the rehabilitation of displaced persons.</td> <td>No</td> </tr> <tr> <td>c</td> <td>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,</td> <td>Yes</td> </tr> <tr> <td>d</td> <td>Whether the department or authority requisitioning forest land for non-forest uses undertakes to provide at its own cost acquisition or an equivalent area and afforestation thereof.</td> <td>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. 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.</td> </tr> </table>					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 or 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. 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.
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7.	Net Present Value of forest land involved:																
	Species	Trees (30-40cm & above)	Poles (20-30cm & 10-20cm)	Saplings (0-10cm)	Total												
	Chir	40	2	0	42												
	Kembal (<i>Lannea coromandelica</i>), Kamila (<i>Mallotus philippensis</i>), Krangal (<i>Cassia fistula</i>), Sisoo (<i>Dalbergia sisoo</i>) etc.	54	456	231	741												
	Total	94	458	231	783												

- (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, Jammu vide letter No: DCJ/PMGSY/2017-18/1158-59 dated: 07.12.2017 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

No:-FST/land/49/2018

Dated:- 25-04-2019

Copy to the:-

1. Secretary to Government of India, Ministry of Environment, Forests and Climate Change, New Delhi.
2. Commissioner/ Secretary to Government, PWD (R&B) Department.
3. Principal Chief Conservator of forests, J&K, Jammu
4. Managing Director, State Forest Corporation, J&K, Jammu
5. CCF/Nodal Officer, FCA, Office of PCCF, J&K, Jammu
6. Chief Conservator of Forests, Jammu
7. Director Achieves, Archaeology & Museums, J&K, Jammu.
8. Chief Engineer PMGSY, Jammu.
9. OSD to Hon'ble Advisor(K) for information of Hon'ble Advisor
10. Pvt. Secy. to the Chief Secretary (Chairman FAC).
11. Pvt. Secy. to the Commr./Secretary to Government, Forest, Ecology & Env. Department
12. Pvt. Secy. to Secretary (Technical), Forest, Ecology & Environment Department
13. Government Order file (w.2.S.Cs)/Stock file.

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/2150/1896-1900

Dated 08-05-2019

Copy of above forwarded for necessary action to the.

1. Chief Conservator of Forests, Jammu.
2. Chief Engineer, PMGSY, Jammu.
3. Conservator of Forests, East Circle, Jammu.
4. Divisional Forest Officer, Jammu Forest Division, Jammu.
5. Executive Engineer, PMGSY Division, Jammu.

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