



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

Subject: Use of 4.139 Ha. of forest land for construction of road from TO3 Block Boundary to Hathal in Nowshera Forest Division by PMGSY.

- Reference:** i. Minutes of 117th Forest Advisory Committee (FAC) Meeting held on 15.10.2019 under the Chairmanship of Chief Secretary (Chairman FAC) issued by Chief Conservator of Forests/Nodal Officer vide No. PCCF/FCA/2996-Part-I/4468-97 dated 17.10.2019.
- ii. State Administrative Council Decision No. 259/22/2019 dated 22.10.2019 conveyed by the General Administration Department.
- iii. State Administrative Council Decision No. 189/19/2019 dated 30.07.2019 conveyed by General Administration Department.

Government Order No:- 396 -FST of 2019
Dated:- 25 -10-2019

Sanction is hereby accorded to the use of 4.139 Ha. of forest land for construction of road from TO3 Block Boundary to Hathal in Nowshera Forest Division by PMGSY with the following particulars and subject to the fulfillment of terms and conditions appearing herein after:-

Details of the Proposal:

1.	User Agency/Applicant		PMGSY
2.	Location		Comptt. : 49,50,54,55,56,72,73,74 & 75/D Range : Sunderbani Division : Nowshera Forest Division District : Rajouri
3.	Objective		To provide road connectivity to village Hatha, Nallah & Makol. The road will benefit population of 4600 people as per census 2011.
4.	Salient Features of the project:		
	I	Total Length of the road	22,175 Km.
	II	Length of the road through Forest land	5500m x 2m = 1.1 Ha 4540m x 6m = 2.724 Ha.
	III	Therefore forest land required for road.	3.824 Ha.
	IV	Forest land required for 07 Muck dumping sites	0.315 Ha.
	V	Total forest area involved	4.139 Ha.

	VI	Protection work	The details of protection works such as Retaining/Breast Walls shall be provided as per the DPR.
--	----	-----------------	--

5. Number of Trees / Poles/ Saplings involved:

Species	Trees (30-40cm & above)	Poles (20-30cm & 10-20cm)	Saplings (0-10cm)	Total
Chir (<i>Pinus Roxigurbii</i>)	221	0	40	261
<u>Broad Leaved:</u> Cassia fistula, Emblica officinalis, Mallotus Phillippensis etc.	10	0	0	10
Total	231	0	40	271

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 purpose, 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. It has however agreed to provide cost of afforestation on double the forest area. Further it has also undertaken to pay the NPV as per the Hon'ble Supreme court directions.

7. Net Present Value of forest land involved:

Comptt. No.	Area involved (Ha.)	Crop Density	Eco-Value Class	Rate/ Ha (Rs. In Lac)	Amount (Rs.)
-------------	---------------------	--------------	-----------------	-----------------------	--------------

	49,50,54,5 5,56,72,73, 74 & 75/D	4.139 Ha	Dense	V	8.45	Rs.34,97,455/-
8.	Compensatory Afforestation for double the area i.e. 8.278 Ha.				Rs. 8,27,800/-	
9.	Compensation of trees/poles/saplings				Rs. 11,92,279/-	

The User Agency shall pay the amount summarized below to the Forest Department.

S.No.	Component	Amount
i.	Net Present Value	Rs.34,97,455/-
ii.	Compensatory Afforestation	Rs. 8,27,800/-
iii.	Compensation of trees/poles/saplings	Rs. 11,92,279/-
Total		Rs.55,17,534/-

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 amount summarized above to the Forest Department.
6. The User Agency shall pay the additional amount of NPV, if so determined as per decision of the Hon'ble Supreme Court of India.
- 7.

(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 borne and 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.

8. 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.
9. 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.
10. 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.

11. The User Agency shall be responsible for obtaining requisite clearances under any other law in vogue before commissioning of the project.
12. An amount of **Rs.55,17,534/-** on account of various heads as detailed in summary table above shall be paid/credited through e-transaction into the account of the Chief Accounts Officer in the office of the Principal Chief Conservator of Forests, J&K under intimation to the Nodal Officer FCA.
13. The approval will remain valid for one year and in case the due amount against the project summarized above is not paid within the stipulated period, the approval shall be deemed to have been cancelled.

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 /2019

Dated: 25 .10.2019

Copy to the :-

1. Secretary to Government of India, MoEF&CC, New Delhi.
2. Commissioner/Secretary to Government, PW (R&B) Department.
3. Pr. Chief Conservator of Forests, J&K, Srinagar.
4. Managing Director, SFC, J&K, Srinagar.
5. Chief Conservator of Forests, Jammu.
6. CCF/Nodal Officer, FCA, Office of PCCF, J&K, Srinagar.
7. Chief Engineer PMGSY, J&K, Jammu.
8. Director Archives, Archeology & Museums, J&K, Srinagar.
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 Commr./Secretary to Government, Forests, Env. & Ecology Department.
12. Pvt. Secy. to Secretary(Technical) Forests, Env. & Ecology Department.
13. Government Order file (w.2.s.c)/Stock file.

Under Secretary to Government
Forest, Ecology & Environment Department

[Handwritten signature and date 25/10/2019]

Office of the Principal Chief Conservator of Forests, J&K

NO. PCCF/FCA/2835/3837-41

Dated 29 -11 -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, West Circle, Rajouri.
4. Divisional Forest Officer, Nowshera Forest Division, Nowshera.
5. Executive Engineer, PMGSY Division Rajouri.

[Handwritten signature]
(Section Officer)

FCA Section

[Handwritten date 29/11]