



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

**Subject:** Use of 5.40 Ha. of forest land for construction of road from Upper Sarthali to Tappar (22.150Km) in Basohli Forest Division by PMGSY.

- Reference:**
- Minutes of 116th Forest Advisory Committee (FAC) Meeting held on 03.10.2019 under the Chairmanship of Chief Secretary (Chairman FAC) issued by Chief Conservator of Forests/Nodal Officer vide No. PCCF/FCA/2985/4075-4105 dated 09.10.2019.
  - State Administrative Council Decision No. 242/22/2019 dated 22.10.2019 conveyed by the General Administration Department.
  - State Administrative Council Decision No. 189/19/2019 dated 30.07.2019 conveyed by General Administration Department.

**Government Order No:- 412 -FST of 2019**  
**Dated:- 25 -10-2019**

Sanction is hereby accorded to the use of 5.40 Ha. of forest land for construction of road from Upper Sarthali to Tappar (22.150Km) in Basohli 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. : 4/Bni, 3/Bni, 2/Bni, 1/Bni & 6b/Bni Block : Bani Range : Bani Division : Basohli Forest Division District : Kathua
3.	Objective	To provide road connectivity to villages Baral, Bhndar, Bhangia, Boro, Chirno, Dershwali, Dhar, Farlyall, Kakail, Kancheer, Kilonao, Kote, Lohai, Mulaira, Neka, Roud, Sandhi, Sero, Simu and Tappar. The road will benefit population of 4869 people as per census 2011.
4.	Salient Features of the project:	



I	Total Length of the road	22.150 Km.
II	Length of the road through Forest land	7525 Mtrs.
III	Width	6.00 mtr
IV	Therefore forest land required for road.	4.51 Ha.
V	Forest land required for 08 Muck dumping sites	0.89 Ha.
VI	Total forest area involved	5.40 Ha.
VII	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
Deodar ( <i>Cedrus deodara</i> )	71	14	00	85
Chir ( <i>Pinus roxburghii</i> ).	43	04	00	47
Banj ( <i>Quercus leucotrichophora</i> ),	94	18	00	112
Broad Leaved: Kainth ( <i>Pyrus pashia</i> ), Doria( <i>Toona spp</i> ), Kharik ( <i>Celtius australis</i> ) etc	37	09	00	46
<b>Total</b>	<b>245</b>	<b>45</b>	<b>00</b>	<b>290</b>

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	Yes



		other alternatives and that no other alternative in circumstances are feasible and that the required area is the minimum needed for the purposes, and,				
	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. 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:					
	Comptt. No.	Area involved (Ha.)	Crop Density	Eco-Value Class	Rate/ Ha (Rs. In Lac)	Amount (Rs.)
	4/Bni, 3/Bni, 2/Bni, 1/Bni & 6b/Bni	4.51 Ha	Dense	VI	8.97	Rs.40,45,470/-
		0.89 Ha	Open	VI	6.99	Rs, 6,22,110/-
	Total	5.40				Rs. 46,67,580/-
8.	Compensatory Afforestation: Dy. Commissioner Kathua vide his letter No:DCK/LA/2017-18/23-26 dated 10.04.2017 has certified that State land under Khasra No:876 is available in revenue village Sitti of Tehsil Bani, which can be transferred to Forest Deptt. for the area i.e. 9.95 Ha. Therefore, only one time compensation shall be charged from the User Agency.					Rs. 5,40,000/-
9.	Compensation of trees/poles/saplings					Rs. 67,08,133/-

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

S.No.	Component	Amount
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i.	Net Present Value	Rs. 46,67,580/-
ii.	Compensatory Afforestation	Rs. 5,40,000/-
iii.	Compensation of trees/poles/saplings	Rs. 67,08,133/-
<b>Total</b>		<b>Rs. 1,19,15,713/-</b>

**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 and when Government sanction is issued in the case.
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/ topped 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. 1,19,15,713/- 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 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, Kathua vide letter No: DCK/LA/2017-18/23-26 dated 10-04-2017 is taken possession by Forest Department with mutation as well
14. 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.  
Dated: 25.10.2019

No:- FST/Land/43/2019

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.

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

NO. PCCF/FCA/2181/ 6119-23

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, East Circle, Jammu.
4. Divisional Forest Officer, Basholi Forest Division, Basholi.
5. Executive Engineer, PMGSY Division Billawar.

(Section Officer)  
FCA Section

29/11/19  
29/11/19