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4/5/2020

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

Subject:- Proposal to allow use of 6.0225 Ha. of forest land for construction of road from Mahan to Banjal in Billawar Forest Division by PMGSY.

Reference:

- I. Minutes of the 104th Forest Advisory Committee held on 21.02.2018 under the Chairmanship of Chief Secretary (Chairman FAC) J&K, issued by Chief Conservator of Forests/Nodal Officer (FCA) vide No. PCCF/FCA/2577/1408-34 dated 28.02.2018.
- II. Cabinet Decision No.67/5/2018 dated 24.04.2018 conveyed by the General Administration Department.
- III. Cabinet Decision No. 189/19/2019 dated 30.07.2019 conveyed by the General Administration Department.
- IV. PCCF/FCA/2473/2641-43 dated 11.05.2018, received from the Pr. Chief Conservator of Forests.

Government Order No:- 55 - JK(FST) of 2020
Dated:- 30-04-2020

Sanction is hereby accorded to the use of 6.0225 Ha of forest land for construction of road from Mahan to Banjal in Billawar Forest Division by PMGSY with the following particulars and subject to the terms and conditions appearing hereunder:-

Details of the Proposal:

1.	User Agency/Applicant	PMGSY
2.	Location	Comptt. : 1,2,3,4,17,23/Blr Range : Billawar Block : Lohai Division : Billawar Forest Division District : Kathua
3.	Objective	The road directly connects the habitation of Banjal, Bhatwal, Chanana, Dhaman, Dhar, Dhuggan, Khardar, Padepar, Sardota and Netar. The road will benefit population of 2520 people.
4.	Salient Features of the project:	
	I	Total Length of the road 24.00 Km.
	II	Length of the road through Forest land 8350 Mtrs.
	III	Width of the road i. 8300 Mtr. of 6 Mtr width. ii. 25 Mtr of 8 Mtr width. iii. 25 Mtr of 9 Mtr width.
	IV	Therefore forest land required for road i. 8300 M x 6 M = 4.98 Ha. ii. 25 M x 8 M = 0.02 Ha. iii. 25 M x 9 M = 0.0225 Ha..
	V	Forest land required for ten (10) Muck Dumping sites. 1.0 Ha. (Comptt. 23,4,3,2,1/Blr)

	VI	Total forest area involved in the proposed project	6.0225 Ha.		
	VII	Protection work	The details of protection works such as B/R Walls have been provided by Executive Engineer, PMGSY Division Billawar vide his letter No. EE/PMGSY/B/851-52 dated: 25-08-2017.		
5.	Crop Density of the area		Very Dense Forest		
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 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.		
7.	Number of Trees / Poles/ Saplings involved:				
	Species	Trees (30-40cm & above)	Poles (20-30cm & 10-20cm)	Saplings (0-10cm)	Total
	Deodar	01	01	00	02
	Chir	217	56	25	298
	Broad Leaved: Banj oak(<i>Quercus leucotrichophora</i>), Alna Green, Chatura Green, Sangla Green, etc.	726	359	95	1180
	Total	944	416	120	1480

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Net Present Value of forest land involved:						
8.	Comptt. No.	Area involved (Ha.)	Crop Density	Eco-Value Class	Rate/ Ha (Rs. In Lac)	Amount (Rs.)
	1,2,3,4,17, 23/Blr	6.01	Very Dense	V	9.39	Rs. 56,43,390/-
9.	Compensatory Afforestation: Dy. Commissioner Kathua vide his letter No: DCK/LA/2017-18/677-80 dated:02.09.2017 has certified the availability of 120 Kanals 08 Marlas of state land in Khasra No: 1068/999/532 at village Sadrota, which can be transferred to Forest Deptt. in lieu of the area i.e. 6.01 Ha. Therefore, only one time compensation shall be charged from the User Agency.					Rs. 6,01,000/-
10.	Compensation of trees/poles/saplings					Rs. 1,10,13,254/-

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

S.No.	Component	Amount
i.	Net Present Value	Rs. 56,43,390/-
ii.	Compensatory Afforestation	Rs. 6,01,000/-
iii.	Compensation of trees	Rs. 1,10,13,254/-
Total		Rs. 1,72,57,644/-

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.
 - a. 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.
 - b. 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. 1,72,57,644/- on accounts of various heads as detailed in summary table above shall be paid/credited through e-transaction into the State Compensatory Afforestation Fund (SCAF) in Public Account of Government of UT of Jammu & Kashmir.
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 DCK/LA/2017-18/677-80 dated: 02.09.2017 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 i.e, from that date when user agency is asked to deposit the due amount, the approval shall be deemed to have been cancelled.

By order of the Government of Jammu & Kashmir.

Sd/-

(Sarita Chauhan) IAS

Commissioner / Secretary to Government
Forest, Ecology & Environment Department.

No: FST/Land/19/2018-II

Dated:- 30-04-2020

Copy to the:-

1. Secretary to the Government of India, Ministry of Environment, Forests and Climate Change, New Delhi.
2. Principal Chief Conservator of Forest & HoFF, J&K.
3. Joint Secretary (J&K), Ministry of Home Affairs, Government of India, New Delhi.
4. Commissioner/Secretary to J&K Government, PWD(R&B) Department.
5. CCF/Nodal Officer, FCA, office of the PCCF, J&K, Srinagar.
6. Chief Conservator of Forests, Jammu.
7. Director, Archives, Archaeology & Museums J&K, Jammu.
8. Special Secretary (Technical) Department of Forest, Ecology & Environment.
9. Private Secretary to the Chief Secretary (Chairman FAC).
10. Private Secretary to Comm./Secretary to Government, Department of Forests, Ecology & Environment.
11. Government order file.(w.2.s.c)

(Deep Raj) KAS

Additional Secretary to Government
Forest, Ecology & Environment Department.

Office of the Principal Chief Conservator of Forests (HoFF) J&K, Jammu

No: PCCF/FCA/2178/1382-87

Dated: 05-05-2020

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. Conservator of Forest, Working Plan Circle, Jammu
5. Divisional Forest Officer, Billawar Forest Division, Billawar.
6. Executive Engineer, PMGSY Division, Billawar.

(Sarvesh Rai) IFS

Additional Principal Chief Conservator of Forests,
Nodal Officer (FCA)