

**GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECTT: FOREST DEPARTMENT.**

Subject:- Diversion of Forest Land for construction of proposed Govt. Degree College at Samba.

Reference: Cabinet Decision No. 94/4 dated: 11.05.2006.

**GOVERNMENT ORDER NO. 252- FST OF 2006
D A T E D: / 8- 05 - 2006**

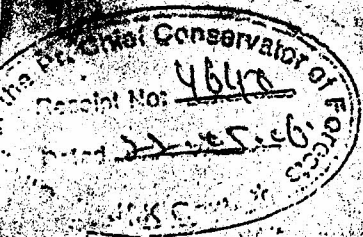
Sanction is accorded to diversion of forest land measuring 3.45 Ha falling under Compartment No. 59/Samba in Block Basantar, Range Samba, Kathua Forest Division for construction of proposed Government Degree College at Samba by Education Department on the following conditions.

1. The proprietary status of forest land shall remain unchanged.
2. The forest land so diverted shall be utilized only for the purpose for which it has been diverted. It shall not be transferred to any other agency without approval of the Forest Department.
3. The forest land so diverted shall not be mortgaged, reassigned or sub-leased by user agency in any manner what so ever to any other agency.
4. The User Agency shall pay Net Present Value of the forest land as calculated by the concerned DFO as per Hon'ble Supreme Court Order dated 30-10-2002 in I.A. No: 566 in Writ Petition (Civil) No. 202 of 1995 titled T.N. Godavarman Thirumalpad V/S Union of India. However, Revenue authorities have calculated the cost of land to the tune of Rs. 1,36,34,000/-.
5. The User Agency shall be bound to pay an amount of Rs. 3,38,748/- (Rs. Three lacs thirty-eight thousand seven hundred forty-eight only) on account of compensation of 230 number of trees of different species and dia-classes.
6. The User Agency shall pay Rs. 1,75,000/- (Rs. One lacs seventy-five thousand only) on account of compensatory afforestation to be carried over 7 ha.
7. The extraction of trees shall be done by the SFC/Forest Department on the basis of marking list approved by Conservator of Forests, Working Plan Circle.
8. Any damage done to the forest by the user agency or its employees and contractors or people employed by them shall be charged from the user agency at the rate of ten times the standard rate of 1992.
9. The forest land so diverted shall return to the Forest Department when it is no longer required by the User Agency without any cost.
10. The user agency shall also pay any other amount which will become payable as per orders of Hon'ble Supreme Court or Government/Forest Department, J&K.
11. The user agency shall submit an undertaking that in case of any upward revision of rates of Net Present Value, the user agency will pay the amount of differential Net Present Value.
12. The user agency shall construct complete retaining/breast walls on the both sides of the road/railway line/earth work/tunneling etc., and take other necessary steps, so as to minimize soil erosion/land slips. In this regard, the user agency shall seek technical guidance from Director, Soil Conservation Department, J&K.
13. The mode of payment of compensatory afforestation shall be according to Compensatory Afforestation Fund Management and Planning Authority (CAMPA) rules and shall be communicated.

14. The possession of forest land for non-forestry purpose under the orders of the competent authority, should not be handed over to the user agency till all payments due against Compensation of trees, Compensation of land, Compensatory afforestation costs etc are not deposited with the Chief Conservator of Forests in the office of the PCCF. Before handing over the possession of the Forest land it should be further ensured that there are no outstanding dues with the said User Agency in respect of the cases sanctioned in the past.
15. In such proposals where heavy soil cutting/felling is likely to be involved, the user agency shall formulate appropriate Soil Conservation Management Plan with the consultation of Soil Conservation Department, J&K Govt. The implementation of the same, alongwith the other terms and conditions put by the Advisory Committee, shall be monitored by a committee of officials comprising of one official from Soil Conservation Department.
16. The user agency should ensure the availability of funds under appropriate heads for making payments due to the Forest Department as per the conditions stipulated in the order of transfer of forest land.

The proposal stands cleared/approved by the Advisory Committee in its 33rd meeting held under the Chairmanship of the Chief Secretary on 29.03.2006

By order of the Government of Jammu and Kashmir



(Najamus/Saqib), IAS

Commissioner/Secretary to Government,
Forest Department.

NO: FST/Land/32/2006

Dated: 18.05.2006.

Copy to the:-

1. Principal Chief Conservator of Forests, J&K Srinagar.
2. Conservator of Forests, Working Plan and Research Circle (Member Secretary) Advisory Committee.
3. Director, School Education, J&K Srinagar.
4. Spl. Assistant to Hon'ble Forest Minister.
5. Pvt. Secretary to Commissioner/Secretary (Forests.)
6. PA to Secretary (Tech.) Forests.
7. PA to Deputy Secretary (Forests.)
8. Government order file (w,2,s,c.)
9. Stock file.

(Rukhsana Gani), KAS

Deputy Secretary to Government,
Forest Department.

Lala

Nodal Officer

[Handwritten signature]

Office of the Pr. Chief Conservator of Forest, J&K, Srinagar

NO: PCCF/FC/553/1090-94

DT: 03/06/2006.

Copy for information and necessary action strictly in accordance with the terms and conditions as provided in the body of Govt. order and ensure early recoveries before the area is handed over to the user agency forwarded to:-

1. The Chief Conservator of Forests, Jammu.
2. Conservator of forests, East Circle.
3. Conservator of forests, Working Plan Circle (Member Secy. Advisory Committee).
4. Divisional Forest Officer, Kathua Forest Division.
5. Director, College Higher Education Deptt. J&K.

G.O. file

(Suresh. Kr. Gupta) IFS
Nodal Officer