

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

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Subject:- Diversion of 0.07 ha of forest land for construction of BSNL Mobile Tower under Forest Conservation Act.

Reference: Cabinet Decision No. 57/4 dated: 11.05.2006.

**GOVERNMENT ORDER NO. 269- FST OF 2006
D A T E D: 18 - 05 - 2006**

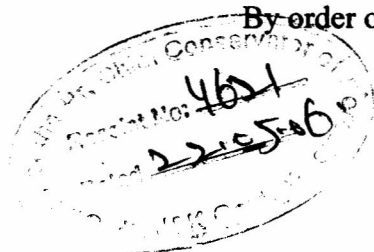
Sanction is accorded to diversion of Forest Land measuring 0.07 Ha under Compartment Nos. 55 and 56/Gandri in Kanga Block, Range Gandri, Batote Forest Division for construction of BSNL Mobile Tower on the following conditions.

1. Rent of Rs. 6000/- (Rupees six thousand) per month per tower is to be charged towards Govt.
2. No permanent construction of building is permitted at the site.
3. 25% increase in rent will be charged after every 3 years.
4. Land in question shall remain the property of the Forest Department.
5. The User Agency will furnish a Bank Guarantee of a Nationalized Bank equivalent to the amount of rent payable for the period of three years as a security deposit to be encashed in the event of failure of the User Agency to pay monthly rent regularly.
6. Before transfer of forest land the Forest Department will execute an agreement with the user agency specifying all terms & conditions as laid down in the Govt. Order sanctioning the diversion of Forest land.
7. The proprietary status of forest land shall remain unchanged.
8. 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.
9. 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.
10. The User Agency shall pay Net Present Value to the tune of Rs. 47,740/- @ 6.82 lac per hac. (Rs. Forty-seven thousand seven hundred & forty only) 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 Thirumalakpad V/S Union of India.
11. The user agency shall be bound to pay an amount of Rs. 35,520/- (Rupees thirty-five thousand five hundred twenty only) on account of compensation for felling of 12 number of trees of different species and dia-Classes.
12. The extraction of trees shall be done by the SFC/Forest Department on the basis of technical sanction to be issued by Conservator of Forests, Working Plan Circle.
13. 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.
14. The forest land so diverted shall return to the Forest Department when it is no longer required by the User Agency without any cost.
15. The money on account of various heads to be paid by the user agency as detailed above shall be deposited with Chief Accounts Officer in the office of PCCF.
16. The possession of forest land diverted 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, NPV/Compensation of land, compensatory afforestation costs etc. are not received in full by the Forest Department.

17. 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.
18. 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 32nd meeting held under the Chairmanship of the Chief Secretary on 16.01.2006

By order of the Government of Jammu and Kashmir



Sd/-
(Najamus Saqib), IAS
Commissioner/Secretary to Government,
Forest Department.

NO: FST/Land/05/2006

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. Spl. Assistant to Hon'ble Forest Minister.
4. Pvt. Secretary to Commissioner/Secretary (Forests.)
5. PA to Secretary (Tech.) Forests.
6. PA to Deputy Secretary (Forests.)
7. Government order file (w,2,s,c.)
8. Stock file.


(Rukhsana Gani), KAS
Deputy Secretary to Government,
Forest Department.

Lala

*File
No per 12/5/12*

Nodal gfw
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