

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

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Subject:- Diversion of 2.20 hectare of Forest Land for construction of Portal of tunnel 73 (SE) & 74 (JE) of New Rail Link Project.

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

GOVERNMENT ORDER NO. 270 - FST OF 2006
D A T E D: 18 - 05 - 2006

Sanction is accorded to diversion of Forest Land measuring 2.20 Ha falling in Compartment No 41/Bnl, in Banihal Block, Range Banihal, Ramban Forest Division for Construction of Portal of Tunnel 73(SE) and 74(JE) of New Rail Link Project on the following conditions.

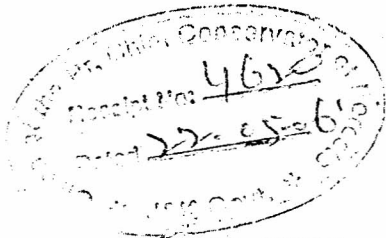
1. The proprietary status of forest land shall remain unchanged.
2. The forest land so diverted shall be utilized only for the purpose for which it has been diverted. It shall not be transferred to any other agency without approval of the Forest Department.
3. The forest land so diverted shall not be 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 land to be 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 chargeable within the range of Rs. 5.80 lacs to Rs. 9.20 lacs per ha depending upon the quality and density of the forests.
5. The User Agency shall either pay Rs. 1,20,000/- on account of compensatory afforestation to be carried out over 4.40 hac or arrange alternative non-forest land in lieu of the forest land to be diverted.
6. 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 as penalty.
7. The user agency shall construct complete retaining/breast walls on 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.
8. The forest land so diverted shall return to the Forest Department when it is no longer required by the User Agency without any cost.
9. The user agency shall get done Environment Impact Assessment & also prepare the Environment Management Plan as required under the Environment Protection Act before taking up the execution of work.
10. 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.
11. 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.
12. 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.

13. 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



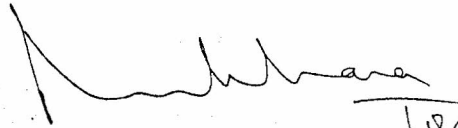
NO: FST/Land/05/2006

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

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

Asad gani

M. P. K. 12/5
22/5/06

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

NO: PCCF/FC

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Rail/1054-58

DT: 1-6/2006.

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, Chenab Circle, Doda.
3. Conservator of forests, Working Plan Circle (Member Secy. Advisory Committee).
4. Divisional Forest Officer, Ramban Forest Divisions.
5. Dy. Chief Engineer, S & C-II Northern Railway.


(Suresh Kr. Gupta) IFS
Nodal Officer

