

GOVERNMENT OF JAMMU AND KASHMIR
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS JAMMU

ORDER No : 34 - FC of 2009
DATE : 27 -02- 2009

Sub:- *Use of 1.23 hectare of forest land for construction of Tipri to Patnazi road by PWD under PMGSY in Kishtwar Forest Division.*

Ref:- *CCF Jammu's No:CCF-J/FCA/1063-72 dated 12.02.2009.*

As recommended by the Committee (constituted under Section 2 "Proviso 2" of the J&K Forest Conservation Act, 1997) in a meeting held on 10.02.2009 under the chairmanship of Chief Conservator of Forests, Jammu, the use of forest land to the extent of 1.23 Ha. from Comptt. No:14/K,15/K & 16/K of Kishtwar Forest Division for *construction of Tipri to Patnazi road by PWD under PMGSY* is allowed strictly under the provisions of J&K Forest (Conservation) Act, 1997 on the following terms and conditions:-

1. The proprietary and legal status of the forest land shall remain un-changed.
2. The forest land shall be utilized only for the purpose for which it has been indented.
3. The forest land shall not be mortgaged, reassigned, leased or sub-leased by user agency in any manner whatsoever to any other agency.
4. The User Agency shall pay the Net Present Value of the land to the tune of **Rs.11,03,310/-** (@ Rs.8.97 lac per hectare for Dense Forest and Eco Value Class VI) as per Hon'ble Supreme Court Order Dt:28.03.2008 and 09.05.2008 in I.A. No: 826 in 566 with related IAs in Writ Petition (Civil) No: 202 of 1995 T.N. Godavarman Thirumalpad V/s Union of India.
5. The User Agency shall pay an amount of **Rs.33,34,480/-** on account of compensation @ two times the standard rate of 1992 for the following number of trees/poles:-

Species	Trees (30-40 & above)	Poles /Saplings (20-30 & Below)	Total
Deodar green	75	728	803
Kail green	20	1120	1140
Fir Green		15	15
Total:	95	1863	1958

6. The User Agency shall pay an amount of **Rs.62,500/-** on account of Compensatory Afforestation of Degraded Forest for twice the area diverted i.e. 2.50 Ha.
 7. The extraction of trees/poles shall be done by the State Forest Corporation on the basis of markings technically sanctioned by Conservator of Forests, Working Plan and Research Circle, and administratively approved by Chief Conservator of Forests, Jammu.
 8. The User Agency shall construct retaining/breast walls and take all necessary steps to check soil erosion which may result due to proposed construction of the road.
 9. Any damage done to the forest by the user agency or its employees and contractors or people employed by them shall be charged from user agency at the rate of ten times the standard rate of 1992.
 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 and after rehabilitated properly by the User Agency.
 11. The user agency shall be responsible to obtain requisite clearances under any other law in vogue.
 12. The money amounting to **Rs.45,00,290/-** 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 Pr. Chief Conservator of Forests, J&K.
- The User Agency shall not ask for any extension of the road through forest area to village Kither as recommended by the committee headed by CCF, Jammu.*

NO:PCCF/FC/768/ 3036-40

Copy for information to the:-

1. Chief Conservator of Forests, Jammu. *The revised NPV rates have been applied as per Hon'ble Supreme Court O dated 28.03.2008 and dated 09.05.2008.*
2. Conservator of Forests, Working Plan and Research Circle, Jammu, (Member Secretary, Forest Advisory committee)
3. Conservator of Forests, Chenab Circle, Doda..
4. Divisional Forest Officer, Kishtwar Forest Division.
5. Executive Engineer, PMGSY Division-II, Kishtwar.

Irshad A. Khan
(Irshad A. Khan)

Pr. Chief Conservator of Forests

Dated 27/02/2009

FL order