

ORDER No: 37 - FCA of 2012D A T E D: 03 -09-2012

**Sub: - Use of 1.215 hectare of forest land (Nowshera = 0.495 Ha, Reasi = 0.72 Ha) for construction of road from Siya to Bakerwal Basti by PWD (R&B) in Nowshera/ Reasi Forest Division.**

**Ref: - CCF/J/FCA/696-701 Dated: 30.07.2012.**

As recommended by the Committee of the concerned officers (constituted under Section 2 "Proviso 2" of the J&K Forest Conservation Act, 1997) in a meeting held on 14.07.2012 under the chairmanship of Chief Conservator of Forests, Jammu, the use of forest land to the extent of 1.215 Ha. from Comptt. No. 112/D & 65/Th of Nowshera / Reasi Forest Division for construction of road from Siya to Bakerwal Basti by PWD (R&B) 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. 8,91,315/- (@ Rs. 8.45/ 6.57 lac per hectare for Dense/ Open Forest and Eco Value Class V)** 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. 40,700/- on account of compensation for 925 number of Garna/ Myrsine bushes (No tree/ pole is involved).**
6. The User Agency shall not be allowed to execute the work till equivalent State land of 1.215 hectare (from the Land Bank of 1000 Kanals at village Channa, Khasra No. 571/13 as made available by the Deputy Commissioner, Reasi, vide his office letter No: DC/Rsi/12/435-38/SQ Dated: 19.06.2012) is allotted to the Forest Department for carrying out Compensatory Afforestation in lieu of forest land to be allowed for use.
7. The User Agency shall pay an amount of **Rs. 85,050/- on account of Compensatory Afforestation on equivalent State land of 1.215 hectare @ Rs. 70,000/- per hectare.**
8. The User Agency shall construct retaining walls/breast walls as per approved plan and design and take all necessary steps to check soil erosion which may result due to proposed construction of the road.
9. The User Agency shall not dump the debris on forest land.
10. 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.
11. 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.
12. The User Agency shall be responsible to obtain requisite clearances under any other law in vogue.
13. The money amounting to **Rs. 10,17,065/-** on account of various heads to be paid by the user agency as detailed above shall be deposited with the Chief Accounts Officer in the office of the Pr. Chief Conservator of Forests, J&K, prior to the execution of the project.

By order of the Principal Chief Conservator of Forests, Jammu and Kashmir Government.

Sd/-

H.S.Salathia, IFS  
Chief Conservator of Forests, FCA  
(Nodal Officer)

NO: PCCF/FCA/1590/ 2423-28

Dated 03 /09/2012

Copy for information to the:-

1. Chief Conservator of Forests, Jammu.
2. Chief Engineer, PWD (R&B) Jammu.
3. Conservator of Forests, West Circle, Rajouri.
4. Divisional Forest Officer, Nowshera Forest Division.
5. Divisional Forest Officer, Reasi Forest Division.
6. Executive Engineer, PWD (R&B) Division, Nowshera.

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*(Handwritten signature)*  
H.S.Salathia, IFS  
Chief Conservator of Forests, FCA  
(Nodal Officer)