

ORDER No: 44 - FCA of 2012

DATED: 15 -12-2012

Sub: - Use of 1.789 hectare of forest land (Road area 0.789 Ha and Muck Dumping area 1.00 Ha) for construction of road from Karool to Bhadath by PMGSY Department in Kishtwar Forest Division.

Ref: - CCF/J/FCA/F-19/12/1798-1802 Dated: 03.12.2012.

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 10.11.2012 under the chairmanship of Chief Conservator of Forests, Jammu, the use of forest land to the extent of 1.789 Ha. from Comptt. No. 39/K & 40/K of Kishtwar Forest Division for construction of road from Karool to Bhadath by PMGSY Department 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. 16,04,733/- (@ 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. 3,96,457/- on account of compensation @ two times the standard rate of 1992 for the remaining 61 number of trees/poles/saplings:-**

Species	Trees (30-40cm & above)	Poles (20-30 & 10-20)	Saplings (0-10cm)	Total
Broad- leaved Olea, Pistacia, Hiru, Ailanthus, Bating	13	461	656	1130
Total	13	461	656	1130

6. The User Agency shall pay an amount of **Rs. 2,50,460/- on account of Compensatory Afforestation of Degraded Forest** for twice the area allowed for use i.e. 3.578 hectare @ Rs. 70,000/- per hectare.
7. The extraction of trees/poles shall be done by the State Forest Corporation / Forest Department on the basis of markings administratively approved by the Chief Conservator of Forests, Jammu. The cost of extraction and transportation shall be borne by the User Agency.

Prior to the extraction of trees/ poles, the DFO concerned, shall ensure that the young saplings involved are not damaged and safely transplanted (with ball of earth) in the adjoining area with necessary provision of protection and after-care under the resources available.

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.

The User Agency shall construct retaining walls/ breast walls around the dumping site on forest land and ensure that the debris dumped is rammed properly using machines/ implements so that it does not get washed away and is stabilized/ rehabilitated properly. This should further be consolidated by planting soil binding species of grass and other vegetation.

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.

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.

The User Agency shall be responsible to obtain requisite clearances under any other law in vogue.

The money amounting to **Rs. 22,51,650/-** 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/1634/ 3812-17

Dated 15/12/2012

Copy for information to the:-

1. Chief Conservator of Forests, Jammu.
2. Chief Engineer, PMGSY Department, Jammu.
3. Conservator of Forests, Working Plan Circle, Jammu.
4. Conservator of Forests, Chenab Circle, Doda.
5. Divisional Forest Officer, Kishtwar Forest Division.
6. Executive Engineer, PMGSY Division, Kishtwar.

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