

ORDER No: 55 - FCA of 2013

D A T E D: 26 -02-2013

Sub: - Use of 0.27 hectare of forest land for construction of road from Kona Gabra to Pathan Gali by PWD (R&B) in Kehmil Forest Division.

Ref: - CCF(K)/L/13/4388 Dated: 18.02.2013.

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 02.02.2013 under the chairmanship of Chief Conservator of Forests, Kashmir, the use of forest land to the extent of 0.27 Ha. from Comptt. No. 30/KH of Kehmil Forest Division for construction of road from Kona Gabra to Pathan Gali 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. 2,67,570/-** (@ Rs. 9.91 lac per hectare for Very 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. 73,600/-** on account of compensation @ two times the standard rate of 1992 for the following number of trees/poles/saplings:-

Species	Trees (30-40cm & above)	Poles (20-30 & 10-20)	Saplings (0-10cm)	Total
Deodar	-	40	34	74
Kail	-	5	15	20
Total:	-	45	49	94

6. The User Agency shall pay Rs. 3,00,000/- for road side avenue plantation on either side along the length of road passing through forest land (i.e. 0.5 Km approx.).
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, Kashmir. The cost of extraction and transportation shall be borne by the User Agency.
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. (a) The User Agency shall clear old FCA outstanding amounting to Rs. 1,67,69,282/- for the cases sanctioned earlier in Kashmir region.
(b) The CCF, Kashmir, shall pursue with the Revenue authorities, for assessment of cost of land in earlier cases wherever required.
(c) This is in line with the assurance given by the Commissioner/ Secretary (Forests) to the CAG Public Accounts Committee in the meeting held on 10.11.2012.
14. The money amounting to Rs. 6,41,170/- 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/1837/ 4686-91
Dated 26/02/2013

Copy for information to the:-

1. Chief Conservator of Forests, Kashmir.
2. Chief Engineer, PWD (R&B), Kashmir, Srinagar.
3. Conservator of Forests, Working Plan Circle, Jammu.
4. Conservator of Forests, North Circle, Sopore.
5. Divisional Forest Officer, Kehmil Forest Division.
6. Executive Engineer, R&B Special Sub-Division, Tangdhar.

H.S.Salathia, IFS

Chief Conservator of Forests, FCA
(Nodal Officer)