

Government of Jammu and Kashmir
Office of the Principal Chief Conservator of Forests J&K, Jammu.

May to Oct.: Forest Complex, Sheikh Bagh, Lal Chowk-Sgr 190001
Ph: 0194- 2484939, 2483937, Fax 0194-2455027

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CIRCULAR

Sub: Processing of the FCA cases under the provisions of Forest (Conservation) Act, 1980.

This office has recently received a proposal processed under the provisions of Forest (Conservation) Act, 1980. The recommendation of DFO/CF concerned was found deficient on several counts. In order to prevent re-occurrence of such deficiencies in the proposals, the CFs/DFOs are requested to keep in view following general points while forwarding/recommending the proposals to the Nodal Officer, FCA.

- i. In case the forest area involved in the proposed project is less than 1 Ha, the cost of compensatory afforestation as per section 2.6 (i) of MoEF & CC Guidelines i.e. cost of plantation (including ten years maintenance) of ten times the number of trees likely to be felled shall be charged from the user agency.
- ii. The cost for extraction of trees is also to be included in the cost of Compensatory Afforestation, and to be reflected separately.
- iii. There is no provision under the Forest Conservation Act, 1980 for charging compensation of trees likely to be felled.
- iv. Certificate from competent authority regarding availability of non forest land and suitability of area identified for compensatory afforestation from management point of view (to be signed by the concerned Deputy Conservator of Forests) to be obtained. In case of non availability of suitable non-forest land for CA, a certificate, on the prescribed format, of non-availability of land for compensatory afforestation in the UT needs to be issued by the Chief Secretary as per Clause 2.3(iii) of the guidelines issued by the MoEF & CC.

However, special provision has been made for certain categories of projects in which Compensatory Afforestation shall be raised on degraded forest land twice in extent of the forest area diverted in terms of section 2.5 of the guidelines. It includes

construction of link roads, small water works, minor irrigation works, school building, dispensaries, hospital, tiny rural industrial sheds of the Government or any other similar work excluding mining and encroachment cases, which directly benefit the people of the area in hill districts and in other districts having forest area exceeding 50% of the total geographical area, provided diversion of forest area does not exceed 20 Hectares.

- v. Document showing initiation of the process by the District Collector (as per clause 6(e) of the Forest Conservation (Rules), 2003 (amended upto to August 2017) about process of recognition and vesting of forest rights in accordance with the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007) for the entire forest land indicated in the proposal should be enclosed.
- vi. Site Inspection report of the DCF should be enclosed with the recommendation, especially highlighting facts asked in item No. 7 (xi, xii), 8 and 9 of the Form-A (part-II) of the MoEF & CC Guidelines, which is reproduced as under:-


7 xi. Whether any rare /endangered/unique species of flora and fauna found in the area- if so, detailed thereof.

7 xii. Whether any protected archaeological/heritage site/defense establishment or any other important monument is located in the area. If so, the details thereof with NOC from competent authority, if required.

8. Whether the requirement of forest land as proposed by the user agency in Col. 2 of Part-I is unavoidable and barest minimum for the project. If no, recommended area item-wise with details of alternatives examined.

9. Whether any work in violation of the Act, has been carried out (yes/No). If yes, details of the same including period of work done, action taken on erring officials. Whether work in violation is still in progress.

All officers concerned are requested to keep in view the provisions of Forest (Conservation) Act 1980 and MoEF & CC Guidelines issued thereunder and send the proposal to the Nodal Officer FCA alongwith relevant documents complete in all respects so that the time-line prescribed by the MoEF &CC for processing the FCA cases is adhered to.


(Sarvesh Rai) IFS

Additional Principal Chief Conservator of Forests,
Nodal Officer (FCA).

No. PCCF/FCA/3124/1601-40
Copy to the:

Dated 02-06-2020

1. Chief Conservator of Forests, Kashmir.
2. Chief Conservator of Forests, Jammu.
3. All Conservator of Forests (T) _____.
4. All Divisional Forest Officers (T) _____.
5. Pvt. Secretary to PCCF (HoFF) J&K for kind information of Pr.CCF (HoFF) J&K.