

Sub: Proposal for seeking prior approval under Forest (Conservation) Act, 1980 for use of 275.16 ha (instead of 109.64 ha of forest land originally proposed) [(211.06 ha protected forest) + (64.10 ha. PLPA area)] excluding de-listed area (58.75 ha) out of 333.91 ha of forest land for construction Reservoir of Shahpur Kandi Dam Project in Tehsil –Dhar Kalan under Forest Division and Distt. Pathankot. (Online proposal No. FP/PB/HYD/40592/2019)-reg.

1. This project relates to the above-mentioned subject. The State Government of Punjab vide letter No. FCA/1980/135/2019/170 dated **19.06.2019** had submitted this proposal through online on PARIVESH portal on **21.06.2019**.
2. The sealant feature of the proposal are as given below in tabular form:

FACT SHEET

1.	Name of the Proposal	Shahpur Kandi Dam project
2.	Online Proposal No.	FP/HP/HYD/40592/2019
3.	Location:	
	State	Punjab.
	District	Pathankot
4.	Category of the project	Hydel
5.	Detail of user agency	
	Name of the user agency	Sandesh Raj
	Nature of user agency	State Government
6.	Particular of Forests	
i.	Name of Forest Division	Pathankot
ii.	Forest Range/Block/C.No.	
iii.	Area of Forest land proposed for Diversion (in Ha.)	275.16 ha (originally proposed 109.64)
iv.	Legal Status of Forest land	211.06 ha is Protected Forest and 64.1 ha area notified under Section-4 of PLPA, 1900
v.	Density of Vegetation	0.6, Eco Class 6
7.	Maps	
i.	Differential GPS map of the area proposed for diversion	Attached with the proposal and uploaded on PARIVESH portal
ii.	Survey of India toposheet on 1:50,000 scale showing the area proposed for diversion	Attached with the proposal and uploaded on PARIVESH portal

iii.	Land use plan	Attached with the proposal and uploaded on PARIVESH portal the breakup of the 275.16 ha of forest land as follows:			
		S. No.	Component	Forest land (in ha.)	NFL (in ha.)
		1	Reservoir Excluding De-listed area	275.16	0
		2	De-listed from PLPA (58.75 ha) as per Govt. Notification	0	0
		3	Hydel Channel & Power Houses	0	270.43
		4	Dam Area	0	28.12
		5	Dumping Area	0	32.69
		Total		275.16	331.24
		Abstract of the Area (58.75 ha de-listed) falling under Reservoir:			
		S. No.	Name of Village/ Hadbast no.	Tehsil	Detailed Area of PLPA (in ha)
	1	Kot Khas 398	Dharkalan	5.47	
	2	Kot Tikka Maira / 398		36.32	
	3	Kot Tikka Shahpur Kandi / 398		0.25	
	4	Kot Tikka Adeli / 398		1.23	
	5	Thara jhikla Tikka Dung / 399		15.48	
	Total			58.75	
iv.	Forest Cover map	Not given			
v.	Authenticated DGPS maps for Non-forest land and forest land proposed for diversion.	Attached with the proposal and uploaded on PARIVESH portal			
vi.	Layout plan approved by the competent authority	Not given			
8.	Vegetation				
i.	Species-wise (scientific names) and diameter class-wise enumeration of trees to be enclosed.	Attached with the proposal and uploaded on PARIVESH portal			
ii.	Number of trees	At FRL-: 23347			

		At FRL 2-: 0 At FRL- 4-: 17049
9.	Brief note on vulnerability of the forest area to erosion.	Not vulnerable
10.	Approximate distance of proposed site for diversion from boundary of forest	0 KM
11.	Whether forms part of National Park, Wildlife Sanctuary, Biosphere Reserve, Tiger Reserve, Elephant Corridor etc. (if so, the details of the area the comments of the Chief Wildlife Warden to be annexed)	No, but the following wildlife is present in the proposed area: Python, peacock, etc.
12.	Whether any rare/ endangered/ unique species of flora and fauna found in the area if so, details thereof.	No rare or endangered species of flora or fauna is found in the area
13.	Whether any protected archaeological/ heritage site/ defence establishment or any other important monument is located in the area. If so, the details thereof with NOC from competent authority, if required.	No
14.	Whether the requirement of forest land as proposed by the User Agency in col.2 of Part-I is unavoidable and bare minimum for the project. If no, recommended area item-wise with details of alternatives examined.	Yes
15.	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 under progress.	No. The User Agency has not violated the provision of Forest (Conservation) Act, 1980. However, the user agency has informed that the construction of hydel channel and dam was started on non-forest land in the year 1989 but it is not completed yet. UA has asked to stop the work.
16.	Shape file / KML file CA and diversion land.	KML file of diverted forest land and CA land has been uploaded on PARIVESH Portal. Both KML files have been analyzed by the DSS cell on Decision Support System based on GIS tools. The DSS observed the following: In case of forest land proposed for diversion: As per the Google Earth Imageries it has been shown that the area of riven bed has been included (page no. <u>957/c</u>). Following has been observed on DSS: (i) The calculated area 333.38 ha. (ii) No Protected Area/ Tiger Reserve/ Tiger Corridor falls within 10 km from the proposed forest area.

		<p>(iii) Area is not in-violate as per decision Rule 1 and 2.</p> <p>(iv) Out of total forest area proposed for diversion, 27 ha. of land classified as moderately dense forest, 48 ha. area of land as open forest, 47 ha. as scrub, 14 ha. as water and 197 ha. of land as Non-Forest in terms of forest classes (as per the ISFR 2019) based on the interpretation of satellite data period 2016-2017.</p> <p>(v) There is an overlap of approx. 4.70 ha between non-forest land and proposed forest land for diversion (shown in GE imaginary).</p> <p>(vi) Settlement/Construction is visible in the proposed forest land and the same can be verified through High Resolution Google Earth Imageries.</p> <p>In case of CA land:</p> <p>Following has been observed on DSS in case of proposed CA site:</p> <ol style="list-style-type: none"> 1. CA has been proposed in 35 patches along with one additional CA patch. 2. These CA patches are falling under Pathankot, Gurdaspur, Amritsar, Rupnagar & Sangrur district of Punjab State. 3. The calculated area of total land proposed for CA is found 274.43 ha and area of additional CA land is found 3.71 ha. 4. Out of 35 proposed CA sites, 28 CA sites are having calculated area less than 5 ha. 5. Settlement and agriculture area is visible in most of the proposed CA sites and same can be verified with the help of High-resolution Google Earth imageries.
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17. Details of Compensatory Afforestation Scheme:

i.	<p>Details of non-forest area/ degraded forest area identified for compensatory Afforestation, its distance from adjoining forest, number of patches, size of each patch.</p>	<p>The CA will be raised over equivalent non-forest land being diverted i.e. 275.18 ha. The details are given below:</p>																															
		<table border="1"> <thead> <tr> <th>S. No.</th> <th>District Name</th> <th>Village Name</th> <th>Area (in ha.)</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Pathankot</td> <td>Jugial, Ranipur, Dadwan, Jindrai, Baroi, Mutfarka, Phoolpiara, Sujanpur</td> <td>33.95</td> </tr> <tr> <td>2</td> <td>Pathankot</td> <td>Rajpura, Jugial</td> <td>5.88</td> </tr> <tr> <td>3</td> <td>Pathankot</td> <td>Jugial</td> <td>0.2</td> </tr> <tr> <td>4</td> <td>Pathankot</td> <td>Khadawar, Kailashpur, Sujanpur, Phoolpiara, Narot Mehra</td> <td>30.3</td> </tr> <tr> <td>5</td> <td>Sangrur</td> <td>Makror Sahib, Mandvi, Chandu, Shahpur Theri, Andana, Nawan Gaon, Jaswantpura & Hotipur, Baupu</td> <td>72.9</td> </tr> <tr> <td>6</td> <td>Sangrur</td> <td>Gujjran, Lehra, Gaga, Kotra Lehal</td> <td>11.74</td> </tr> <tr> <td>7</td> <td>Gurdaspur</td> <td>Talwandi Bharth, Wariach, Bhikari Harni, Sri Hargobindpur</td> <td>11.35</td> </tr> </tbody> </table>	S. No.	District Name	Village Name	Area (in ha.)	1	Pathankot	Jugial, Ranipur, Dadwan, Jindrai, Baroi, Mutfarka, Phoolpiara, Sujanpur	33.95	2	Pathankot	Rajpura, Jugial	5.88	3	Pathankot	Jugial	0.2	4	Pathankot	Khadawar, Kailashpur, Sujanpur, Phoolpiara, Narot Mehra	30.3	5	Sangrur	Makror Sahib, Mandvi, Chandu, Shahpur Theri, Andana, Nawan Gaon, Jaswantpura & Hotipur, Baupu	72.9	6	Sangrur	Gujjran, Lehra, Gaga, Kotra Lehal	11.74	7	Gurdaspur	Talwandi Bharth, Wariach, Bhikari Harni, Sri Hargobindpur
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		8	Amritsar	Tig Nangal, Chogwan/Kohali, Iban, Lopoke, Khalra, Mussa, Lalu Ghuman	14.07
		9	Amritsar	Khwaspur, Dilawarpur, Khara, Maliyan, Bhoewal, Gagar Bhana, Jaura	13.41
		10	Rupnagar	Chack Dheran, Batarla, Tibba Taprian	81.38
		Total			275.18
		Moreover, the 3.556 ha of degraded forest land has been proposed at UP Narianpur in District Pathankot for Addl. CA.			
ii.	Map showing non-forest/ degraded forest area identified for compensatory Afforestation and adjoining forest boundaries.	Attached with the proposal and uploaded on PARIVESH portal			
iii.	Differential GPS map of the area identified for raising CA	Attached with the proposal and uploaded on PARIVESH portal.			
iv.	Survey of India toposheet on 1:50,000 scale showing the area identified for CA	Attached with the proposal and uploaded on PARIVESH portal.			
v.	Detailed compensatory Afforestation scheme including species to be planted, implementing Agency, time schedule, cost structure etc.,	<p>The State Government has been prepared a CA scheme on equivalent non-forest land for 275.16 ha. in lieu of 275.16 ha. of forest land proposed for diversion for maintenance of 10 year with the cost structure. The non-forest land for CA has been proposed in five division of the State namely: 1. Pathankot (70.32 ha) 2. Sangrur (86.4 ha) 3. Gurdapur (11.35 ha) 4. Amritsar (27.48 ha) and 5. Rupnagar (Ropar) (81.38 ha).</p> <p>Division wise cost structure of CA scheme with maintenance of 10 years including the details of plantation species, wage rate etc, attached with the proposal and uploaded on PARIVESH portal.</p>			
vi.	Total financial outlay for compensatory Afforestation scheme.	<p>For CA - ₹24,49,10,087.8/-</p> <p>For Addl. CA- ₹12,02,644.46/-</p>			
vii.	Total financial outlay for Net Present Value	₹22,09,53,480/-			
viii.	Certificate from competent authority regarding suitability of area identified for compensatory Afforestation and from management point of view. To be signed by the concerned Deputy Conservatory of Forests.	<p>1. DFO Rupnagar has provided the Land suitability certificate for 81.38 ha of non-forest land in village Chack Theran (71.48 ha), Batarla (3.10 ha) & Tibbataprian (6.80 ha), Tehsil and District Ropar. The DFO Ropar has undertaken that the land is suitable for plantation from the management point of view and is free all sorts of encumbrances and encroachments.</p> <p>2. DFO Pathankot has provided the Land suitability certificate for 33.95 ha of non-forest land in village Jugial (13.52 ha), Ranipur (10.62 ha), Dadwan (0.70 ha), Jindrai (1.24 ha), Baroi (0.58 ha), Mutfarka (2.69 ha), Phoolpiara (0.51 ha) and Sujampur (4.08 ha) Tehsil and District Pathankot. The DFO Pathankot has undertaken that the land is suitable for plantation from the management point of</p>			

view *once it is dismantled and is free and all sorts of encumbrances and encroachments.*

3. DFO Pathankot has provided the Land suitability certificate for **30.30 ha** of non-forest land in village Khadwar (6.14 ha), Kailashpur (9.62 ha), Sujanpur (6.06 ha), Phoolpiara (3.49 ha), Narot Mehra (4.99 ha), Tehsil and District Pathankot. The DFO Pathankot has undertaken that the land is suitable for plantation from the management point of view *and user agency has given undertaking that this land at the time of transfer to Forest Department shall be free from all encumbrances and encroachments.*

4. DFO Pathankot has provided the Land suitability certificate for **5.88 ha** of non-forest land in village Hydel Channel Jugial (2.52 ha), Rajpura (3.38 ha) Tehsil and District Pathankot. The DFO Pathankot has undertaken that the land is suitable for plantation from the management point of view and is free all sorts of encumbrances and encroachments.

5. DFO Pathankot has provided the Land suitability certificate for **0.20 ha** of non-forest land in village Jugial Dam Colony (0.20 ha), Tehsil and District Pathankot. The DFO Pathankot has undertaken that the land is suitable for plantation from the management point of view and is free all sorts of encumbrances and encroachments.

6. DFO Pathankot has provided the Land suitability certificate for **3.556 ha** of degraded forest land in UP Narianpur Tehsil Dhar Kalan, District Pathankot. The DFO Pathankot has undertaken that the land is suitable for Addl. Compensatory Afforestation from the management point of view and is free all sorts of encumbrances and encroachments.

7. DFO Amritsar has provided the Land suitability certificate for **14.07 ha** of non-forest land in village Tig Nangal (1.36 ha), Chogwan/Kohali (2.94 ha), Iban (2.02 ha), Lopoke (1.57 ha), Khalra (2.38 ha), Mussa (2.33 ha), Lalu Ghumman (1.49 ha) Tehsil and District Amritsar. The DFO Amritsar has undertaken that the land is suitable for plantation from the management point of view and is free all sorts of encumbrances and encroachments.

8. DFO Amritsar has provided the Land suitability certificate for **13.41 ha** of non-forest land in village Khawanpur (1.89 ha), Dilawarpur (1.52 ha), Khara (1.9 ha), Maliyan (2.53 ha), Bholewal (1.87 ha), Ghaggar Bhanna (1.45 ha), Jaura (2.25 ha) Tehsil and District Amritsar. The DFO Amritsar has undertaken that the land is suitable for plantation from the management point of view and is free all sorts of encumbrances and encroachments.

9. DFO Gurdaspur has provided the Land suitability certificate for **11.35 ha** of non-forest land in village Talwandi Bharth (5.67 ha), Wariach (2.01 ha), Bhikari Harni (2.63 ha), Sri Hargobindpur (1.04 ha) Tehsil and District Gurdaspur. The DFO Gurdaspur has undertaken that the land is suitable for plantation from the management point of view and is free all sorts of encumbrances and encroachments.

		<p>10. DFO Sangrur has provided the Land suitability certificate for 72.9 ha of non-forest land bearing Survey No. (list attached) along B/s if Ghaggar River Tehsil and District Sangrur. <i>The DFO Sangrur has undertaken that the land is suitable for plantation from the management point of view and as communicated by Drainage Department letter No.1/spl/Rev.Suptd./2-L dated 16.04.2020 the land shall be free from all sorts of encumbrances and encroachments.</i></p> <p>11. DFO Sangrur has also provided the Land suitability certificate for 11.74 ha of non-forest land bearing Survey No. / in Gujran rest house (2.023 ha), Arkwas Disty (9.712 ha) Tehsil and District Sangrur. The DFO Sangrur has undertaken that the land is suitable for plantation from the management point of view view and is free all sorts of encumbrances and encroachments.</p>
18.	Undertakings to bear the cost of CA, Addl. CA, NPV and addl. NPV	Attached with the proposal and uploaded on PARIVESH portal
19.	Documentary evidence in support of settlement of rights in accordance with the provisions of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 on the forest land proposed to be diverted enclosed.	FRA certificate has been issued vide letter No. 515 dated 07.08.2019 by DC Pathankot for the entire area i.e. 333.91 ha. However, the documentary evidence of the Gram Sabha Resolution and SLC and DLC is no found/attached in PARIVESH Portal.
20.	Site Inspection Report of the Divisional Forest Officer	Attached with the proposal and uploaded on PARIVESH portal. The Site Inspection has been carried out by the DFO Pathankot Forest Division on 11.04.2020. In the SIR following has been informed: The User Agency has not violated the provision of Forest (Conservation) Act, 1980, but the user agency has informed that the construction of hydel channel and dam was started on non-forest land in the year 1989 but it is not completed yet. UA has asked to stop the work.
21.	Whether the project requires environment clearance	Yes. EC was issued by the Ministry of Environment, Forest and Climate Change vide letter No. 14/74/80-ENV dated 18.11.1981
22.	Catchment Area Treatment Plan	Attached with the proposal and uploaded on PARIVESH portal. The SG has informed that a meeting was held on 28.05.2020 through VC between DFO Pathankot and CF North Circle regarding CAT plan. In this meeting CAT plan of the Shahpur Kandi Dam Project was approved for ₹15.21 crore. As per our observation that the CAT plan should be prepared Silt Yield Index (SYI). In the CAT Plan it has been mentored that: "The Silt Yield Index Model (SYI), considering sedimentation as product of erosivity, credibility and Arial extent was conceptualized in the All India Soil and Land Use Survey (AISLUS) as early as 1969 and has been in operational use since then to meet the requirements of prioritization of smaller hydrologic units. The erosivity determinants are the climatic factors and soil and land attributes that have direct or reciprocal bearing on the unit of the detached soil material. The relationship can be expressed as:

		<p>Soil erosivity = f (Climate, physiography, slope, soil parameters, land use/land cover, soil management)</p> <p>Silt Yield Index:- The Silt Yield Index (SYI) is defined as the Yield per unit area and SYI value for hydrologic unit is obtained by taking the weighted arithmetic mean over the entire area of the hydrologic unit by using suitable empirical equation:</p> <p>Silt Yield Index SYI = $\frac{\sum(A_i \times W_i)}{A_w} \times 100$;</p> <p>where i = 1 to n, A_i = Area of ith unit (EIMU) W_i = Weightage value of ith mapping unit n = No. of mapping units A_w = Total area of sub-watershed</p>
23.	Rehabilitation of Oustee	R&R plan attached with the proposal and uploaded on PARIVESH portal.
i.	Number of SC Families	1369- in Punjab 100- in J&K
ii.	Number of ST families	-
iii.	Number of Backward Families	-
iv.	Copies of R&R Plan	Attached with the proposal and uploaded on PARIVESH portal
24.	Cost Benefit Analysis	Attached with the proposal and uploaded on PARIVESH portal. Cost benefit Ratio- 68.31 cr:1963.35Cr = 1:28
25.	Total Cost of the project	₹2715.70 Lakhs
26.	Employment Potential	Temporary Employee -2500 Permanent Employee- 2500
27.	Profile of the District/Division	
i.	Geographical Area of the District	93,712 ha.
ii.	Total Forest Area of the District	27,577.49 ha.
iii.	Total area diverted since 1980	No. of cases – 207 Area diverted – 806.4588 ha
iv.	Total compensatory Afforestation stipulated in the district /division since 1980 Forest land including penal CA. Non-forest land	7.363 ha 855.72 ha
v.	Progress of Compensatory Afforestation as on (date) 31.03.2019 Forest land including penal CA. Non-forest land	780.5478 ha 855.72 ha
28.	Recommendation with Specific conditions, (if any)	
	DFO	Recommended.
	CF	Recommended.

PCCF/ Nodal Officer (FCA)	Recommended.
State Govt.	Recommended.

3. As the proposed area of the instant proposal is more than 100.0 ha, then as per norms of FCA, 1980 Rules, request to carry our site inspection was sent to the Regional Officer Chandigarh on **05th July 2019**.
4. The Regional office Chandigarh vide letter No. 9-PBA341/2019-CHA/187 had submitted their SIR on **02.09.2019** with the following recommendations:
 - i. This is the proposal for construction of Shahpurkandi Dam on river Beas.
 - ii. This proposal pertains to Punjab portion of Dam involving 331.91 ha out of total area of 952.26 ha. Rest 618.35 ha being J&K portion.
 - iii. The user agency has proposed diversion of only **109.64** ha forest land leaving the delisted area (**58.75 ha**) and riverbed area (**165.51 ha**).
 - iv. The proposal involves felling of **16160** trees & **889** poles.
 - v. There are 5933 trees & 360 poles falling between FRL minus 4 mts.
 - vi. The project involves rehabilitation of 1369 families and the state of Punjab has proposed R& R policy of Ranjit Sagar Dam project of 1993 which seems to be very old & outdated policy which requires relook as per latest and more progressive R& R policy.
 - vii. The Catchment Area Treatment Plan for 3678 ha using DEM and DTM with the help of SYI has also been proposed.
5. After examination of the proposal submitted by the State Government and observations made by the RO, Chandigarh in SIR, the Ministry sought the following information from the State Government of Punjab vide letter of even No. dated **17.10.2019**:
 - i. Approved Catchment Area treatment plan with calculation of Silt Yield Index (SYI);
 - ii. Rehabilitation of 1369 families according to latest R&R Policy i.e. as per 'The Right to Fair Compensation and Transparency in Land Acquisition, 'Rehabilitation and Resettlement Act, 2013" {RFCTLAAR Act, 2013};
 - iii. Complete proposal including de-listed PLPA land (58.75 ha) and 165.51 river bed area be submitted;
 - iv. Combined/revised proposal including submergence area (618.35 ha) of Jammu and Kashmir be submitted.
6. The State Government of Punjab vide letter No. **FOREST-FCA0FC3P/8/2020-FCA** dated 14.06.2020 has submitted their reply in the response of the Ministry's letter dated 17.10.2019 as follows:
 - i. Approved Catchment Area treatment plan with calculation of Silt Yield Index (SYI) has been uploaded at Sr. No. M (ii) of Part-I on PARIVESH Portal.
 - ii. Necessary documents regarding R&R Policy has been uploaded at Sr. No. F (ii) of Part-I on PARIVESH Portal.
 - iii. Riverbed area have been included in the new proposal and justification of excluding de-listed area submitted by user agency has been uploaded at Sr. No. D of Part-I on PARIVESH Portal.
 - iv. User agency has submitted that the proposal including area in J&K State will be submitted separately.
7. The State Govt. has also informed that revised proposal for diversion of **275.16 ha** instead of **109.64 ha** has been uploaded on the PARIVESH portal along-with relevant documents. Revised Part-II, III, IV and V are also uploaded.
8. The revised documents related to this proposal as uploaded on PARIVESH portal has been download and after that E-file has been created. As per the information submitted by the State Government of Punjab the details are as below:
9. **Brief History about the proposal:**
 - i. As per Indus Water Treaty 1960, India has got complete control over the water flowing in three Rivers namely Raavi, Beas and Sutlej. Ranjit Sagar Dam a storage project of the State of Punjab has already been constructed on Raavi River. Shahpur Kandi Dam a balancing reservoir on downstream could not be constructed due to a host of reasons. The objective of accelerated development on India's right on water resources in Indus Basin under Indus Water Treaty can be achieved only after construction and completion of Shahpurkandi Dam. Construction of this dam will effectively reduce the water flowing downstream of Madhopur Head works into Pakistan.
 - ii. Shahpurkandi Dam Project will be constructed on River Raavi 11 kms downstream of Ranjit Sagar Dam and 8 kms upstream of Madhopur Headworks. This dam will act as a balancing reservoir to ensure optimum

utilization of water for both irrigation in the Upper Bari Doab Canal (UBDC) System, Raavi Canal and Kashmir Canal System (J& K) and power generation at Ranjit Sagar Dam Powerhouse. Shahpurkandi Dam Project has been declared as National Project by Ministry of Water Resources, Govt. of India in Feb 2008.

- iii. Shahpurkandi Dam will act as balancing reservoir for working of Ranjit Sagar Dam Power Plant as a peaking station and to regulate the supplies to Shahpurkandi Hydrel Channel/UBDC canal system. Shahpurkandi Dam compries of 55.5-meter-high Dam with 2 Power Houses having 206-Megawatt (MW) capacity to generate power. On completion it is estimated that this project will irrigate about 5000 ha in Punjab State and 32173 ha in the State of Jammu & Kashmir (now Union Territory of Jammu & Kashmir). The Full Reservoir Level (FRL) of the dam is 404.50 Meters, Dead Storage Level (DSL) is 402.50 Meters and Average Riverbed Level is 373.00 Meters.
- iv. Total reservoir area of the proposal is 952.26 ha out of which the reservoir area in State of Punjab is 333.91 ha, while as the reservoir area in Jammu & Kashmir is 618.35 ha.

10. Justification for locating the project on the Forest:

10.1 Shahpurkandi Dam Project is located in the Ravi river terrain in Pathankot District of Punjab State. The excess water of the River Ravi at present is going waste through Madhopur downstream to Pakistan. Implementation of the project would minimize such wastage of water. A Bilateral agreement was signed between Punjab and J&K in Jan, 1979. As per the agreement, construction of Ranjit Sagar Dam (Thein Dam) and Shahpudkandi Dam was to be taken up by Punjab Government. Ranjit Sagar Dam was commissioned in Aug, 2000. The Shahpurkandi Dam project is proposed on River Ravi, 11 km d/s of Ranjit Sagar Dam and 8 km u/s of Madhopur Head Works.

10.2 Shahpurkandi Dam will act as balancing reservoir for working of Ranjit Sagar Power plant as a peaking station & to regulate the supplies to Shahpurkandi Hyde channel U.B.D.C canal system. With the completion of this project, complete water of river Ravi will be utilized for irrigation as well as power generation of 206MW. The proposed site for construction of Shahpurkandi Dam is strategically located on the Ravi river because the particular stretch is narrow on the said location . There is no other possible way out to avoid the submergence of forest land in the Shahpurkandi Dam Reservoir. So it is necessary to do diversion of 275.16 ha. (211.06 ha. protected forest and 64.10 ha. PLPA area) forest land.

11. Information about R&R Plan: The Executive Engineer of Shahpur Kandi Dam Project has informed that:

11.1 About 3171.71 Acres of land falling in 20 villages (17 in Punjab and 3 in J&K) required for construction of Shahpurkandi Dam Project has been acquired and the process for acquisition of remaining 35.79 Acres land is under process. The detail of total land required/acquired for Shahpurkandi Dam Project is as under:

- 1. Total land required = 3207.50 Acres
 - a. In J&K State = 1527.95 Acres
 - b. In Punjab State = 1679.55 Acres
- 2. Total land acquired/to be acquired = 3207.50 Acres
 - a. Land acquired in J&K State = 1527.95 Acres
 - b. Land acquired in PB State = 1643.76 Acres
 - c. **Acquisition of land in process = 35.79 Acres**

11.2 The acquisition of land for National Project of such a large scale always causes displacement of families settled thereon. The rehabilitation of the Oustees of a water resource development project is to be recognized as an environmental fall-out and needs to be handled with diligence, sympathy and a good measure of human consideration backed by a broad-minded Government Policy. There being two states involved, all efforts have been made to ensure that the rehabilitation scheme is uniform as far as possible for both states, because any disparity is likely to cause resentment among Oustees.

In view of above, a committee was framed by the Punjab Government to form a uniform Rehabilitation Policy for the Oustees of Ranjit Sagar Dam and Shahpurkandi Dam Project. The committee has approved R&R Policy in the minutes of meeting held on 19.10.1993 and fixed the cut of date for the purpose of affected families to be decided

as Oustees would be taken as per Jamabandi existing on 01.05.1986 for Ranjit Sager Dam and Shahpurkandi Dam Project as under:-

The relevant Clause 8 of Rehabilitation and Resettlement policy 18.11.1993 is also reproduced as under:

“For purpose of providing job to the landless and other affected families, preference to one member per family will be given to the following categories according to his qualification and availability of vacancies on the Project”- :

- i. Those whose house and land above 50% holdings has been acquired.
- ii. Landless Oustees whose houses have been acquired.
- iii. Those residential families whose only land 75% or above has been acquired.

11.3 In addition, the Standing Committee of RSD- Construction Board Punjab in 43rd meeting (Item No. 42.3) held on 24.8.2000 has decided that employment be given to one member of eligible Dam Oustees family as Class-IV employee. Besides above, Oustees of SPK Dam Project have refused to accept the cut of date for the purpose of affected families to be decided as Oustees i.e. 01.05.1986. Accordingly, the Punjab Govt. has constituted a sub-committee to decide the matter. As per recommendation of Deputy Commissioner-cum-Chairman of Sub Committee (R&R) Shahpurkandi Dam Project, Gurdaspur in its meeting held on 10.02.2010, the cut of date has been amended as under by Punjab Govt. vide Memo dated 07.09.2012:-

"The cut of date to consider the Oustees of Shahpurkandi Dam Project according to R&R Policy shall be the date of notifications issued from time to time under section-4 of Land Acquisition Act".

11.4 REHABILITATION AND RESETTLEMENT GRANT:-

- A. A sum of ₹50,000/-shall be paid to the eligible Oustee, the size of whose acquired house is upto 300 sq. yard.
- B. A sum of Rs. 75,000/-shall be paid to the eligible Oustee, the size of whose acquired house is more than 300 sq. yard.

11.5 A Committee has been constituted by Punjab Govt. under the Chairmanship of Superintending Engineer, Shahpurkandi Dam Circle to consider the cases of Dam Oustees of Shahpurkandi Dam Project for providing employment to eligible Dam Oustees as per R&R Policy based upon the verification done by the revenue authorities through Land Acquisition Officer of Shahpurkandi Dam Project. The detail of affected families/Oustees of Shahpurkandi Dam Project whose land/houses/land & houses have been acquired and employment given is as under:

S. No.	Name of State	No of affected families	Offer issued to eligible Oustees	Speaking orders issued to ineligible Oustees	Oustees whose cases are under process	Remarks
1	Punjab	1369	229	252		252 Cases are pending for verification/re-verification
2	J&K	100	24	76		For 50 cases verification has been done and for remaining cases verification is yet to be done by LAC of J&K State

11.6 As per terms and conditions of the R&R Policy, the cases of 1117 No. Oustees of Punjab State have been considered by the committee and employment has been given to one member of each eligible dam Oustees family of 229 No. till date. Similarly, employment to one member of family of 24 No. eligible dam Oustees of J&K State have been given till date. Also, R&R package to some of the eligible Oustee of Punjab State whose houses were acquired have been given as per R&R Policy. The cases of the remaining affected families of Punjab & J&K State for providing the benefits of R&R Policy are under process and same are being dealt on top priority.

Moreover, Punjab Government has constituted a Sub Committee under the Chairmanship of Deputy Commissioner, Pathankot vide Notification No. 11/85/2018-PJ(5)/138 dated 14.01.2020 to address the grievances of the Oustees of Shahpurkandi Dam Project.

11.7 The most of the land for Shahpurkandi Dam Project has been acquired prior to the year 2013 and balance land of about 35.79 Acre shall be acquired as per provisions laid down in the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 by providing Rehabilitation and Resettlement benefits accordingly.

12. Status of the land falls under Punjab Land Preservation Act, 1900 (PLPA, 1900) in Punjab:

12.1 Punjab Land Preservation Act, 1900 (PLPA, 1900) is a Special Act enforced in the hilly tracts of the states of Punjab, Haryana and Himachal Pradesh primarily for conservation of subsoil water and to prevent of erosion in areas which are vulnerable to erosion. Areas closed under PLPA 1900 are 'deemed forests' for the purpose of Forest (Conservation) Act 1980. The Hon'ble Supreme Court has time and again in its various decisions, reiterated that areas closed under Punjab Land Preservation Act, 1900 shall be treated as forest land. However, the ownership of such private forests vests with the individuals or communities.

12.2 In the year 2009, the Ministry vide its letter no **F.No 8-19/2006-FC** dated **24/07/2009** permitted for de-listing of 55,339.95 ha of cultivated and habitation area (Out of 65,670.26 ha) closed under Punjab Land Preservation Act, 1900 from the list of forest areas subject to the following conditions:

- a. The State Government shall ensure that no commercial activities are permitted on such de-listed land;*
- b. The de-listed land only be used for bonafide use of agriculture and for sustaining the livelihood of the people/owner of the land;*
- c. If inadvertently, any notified or otherwise forests area are found to have been included in the present list of areas being considered for de-listing, such areas shall not be deemed to have been de-listed from the list of forest areas of State.*

13. The portion of the de-listed PLPA land about 58.75 has again excluded from the proposed forest land for which the User Agency has submitted following justification:

As per Govt. of India letter No. 8-19/2006-FC dated 24-07-2009, about 55,339.95 ha land was de-listed from PLPA under section-2 of FCA, allowing the owner to engage in non-forestry activities for the purpose of livelihood. It has been further stressed that since the construction of dam is not a commercial venture & will generate livelihood for locals; hence this applicable in the instant proposal.

14. After examination of the revised proposal (**275.16 ha**) the Ministry sought the following information from the State Government on **14.07.2020**:

- i.** The revised proposal has not included 58.75 ha of PLPA land. The User Agency has given the justification that the project is of public utility and the Supreme Court has allowed such types of work on de-listed PLPA land. The State Government has not offered any comment on the justification given by the User Agency. Land being a state subject, clear recommendation may be provided by the State.
- ii.** Whether such de-listed PLPA area has been diverted earlier in any public utility project like Road, Rail etc. in the State. The same may kindly be clarified with detail:
- iii.** CA has been proposed over 35 different sites. Most of the sites are less than 5 ha which cannot be accepted as per guidelines No 11- 423/2013-FC dated 22.05.2019. The same shall be revised and submitted as per the guidelines issued by the ministry from time to time. On DSS analysis it is found that most of CA patches are having different structures. All such patches shall be free from encroachment.
- iv.** Approved R&R plan may be submitted.
- v.** Approved CAT (Catchment Treatment plan) shall be submitted.

- vi. The project involves Forest areas of Two states i.e. Punjab and J&K. State Government may co-ordinate with J&K government and explore possibility of preparing a composite proposal so that same can be analyzed in the Ministry comprehensively. The total land use of the project (including part of Punjab and J&K) may kindly be provided.

15. Due to revision in the area the request was sent again to RO Chandigarh on **14.07.2020** to carry out the site inspection and verify the revised land use of the area. Regional office shall analyze the proposal in toto and submit report for further analysis. Regional office Chandigarh may also Co-ordinate with Government of J&K and verify the total land use of the project. The status of balance area proposal pertaining to J&K may also be ascertained and Reminded on **22.08.2020**.

16. In the response of the Ministry's letter dated **14.07.2020** the State Government of Punjab has submitted their reply vide letter No. File No.FOREST-FCA0FC3P/8/2020-FCA dated **16.08.2020** and **17.08.2020**:

S. No.	Essential Information raised by MoEF&CC	Reply from the SG
1.	The revised proposal has not included 58.75 ha of PLPA land. The User Agency has given the justification that the project is of public utility and the Supreme Court has allowed such types of work on de-listed PLPA land. The State Government has not offered any comment on the justification given by the User Agency. Land being a state subject, clear recommendation may be provided by the State	In this regard it is informed that the Divisional Forest Officer, Pathankot has reported vide letter No 413 dated 11.08.2020 (Annexure-I) that the justification given by the use agency is genuine and it may be considered and accepted by the competent authority. The concerned CF North Circle Hoshiarpur has given his concurrence with the report of DFO Pathankot (Annexure- II). Copy of reply given by the user agency is enclosed as Annexure-III. After examination of the above the clear-cut recommendation has not been provided by the State Government.
2.	Whether such de-listed PLPA area has been diverted earlier in any public utility project like Road, Rail etc. in the State. The same may kindly be clarified with detail	With reference to report of DFO Dasuya vide letter no. 958 dated 13.08.2020 Conservator of Forests, North Circle has reported vide letter No.1400 dated 13.08.2020 (Annexure-IV) that MoEF & CC, Government of India, has granted approval vide letter No. 9-PBB 317/2016-CHA dated 20.09.2016 in Dasuya Forest Division. CF North has also reported that in said proposal the total affected area was 44.50 ha out of which 0.23 ha was closed under Section 4 of PLPA and remaining 44.27 ha was notified to be delisted vide order No. 39/14/2011-FT-3/10048 dated 22.11.2011 (Ghagar), and 39/19/2011 FT-3/1960 dated 11.03.2011 (Ghagwali). The approval for notified land of 0.23 ha was obtained under FCA 1980 however, the delisted area of 44.27 ha was treated as delisted and non-forest land and was excluded from the diverted area.
3.	CA has been proposed over 35 different sites. Most of the sites are less than 5 ha which cannot be accepted as per guidelines No 11-423/2013-FC dated 22.05.2019. The same shall be revised and submitted as per the guidelines issued by the ministry from time to time. On DSS analysis it is found that most of CA patches are having different structures. All such patches shall be free from encroachment	The DFO Pathankot has reported that (Annexure-I) the proposed patches of land with less than 5 ha, are being contiguous to the notified Protected Forests and are acceptable as per F.No. 11-423/2013-FC dated 22.05.2019 of MoEF&CC and Para 2.3(ii) of the handbook of Guidelines and Clarification 2019. Furthermore, most of the patches which are having an area of less than 5 ha, are located in forest deficit districts of the State. Therefore, the DFO has recommended the request of user agency for acceptance of such a small patches of non-forest land to be

		accepted for CA. The district wise detail of patches counter signed by DFO Pathankot is attached in Annexure-V. The details of the same are appended in the additional documents. The areas having construction as per KML files were not included in the total area of proposed diversion. Most of the patches showing different structures are now excluded from the KML files of the project site. Only a very few abandoned structures still visible in the KML files which will be cleared before mutation of the land to Forest Department. Revised KML files are now uploaded in the portal.
4.	Approved R&R plan may be submitted	The user agency has submitted that almost all the be submitted. land of Shahpurkandi Dam Project was acquired in the years 1991 to 1999 and is owned by the State since then. The Oustees have been rehabilitated as per the policy in place at that time. The detailed implemented R&R Plan and R&R Policy approved by Punjab Government are attached at Annexure-VI and have been uploaded on Part-I F (II) (a) on the portal.
5.	Approved CAT (Catchment Treatment Plan) be submitted.	It has already been uploaded in Part –I M (II) (a) on the portal.
6.	The project involves Forest areas of Two states i.e. Punjab and J&K. State Government may co-ordinate with J&K government and explore possibility of preparing a composite proposal so that same can be analysed in the Ministry comprehensively. The total land use of the project (including part of Punjab and J&K) may kindly be provided	The user agency has submitted that out of 3165.69-acre land required for the project 1637.74 acre falls in Punjab and 1527.95 acre in J&K. It is submitted that case for the forest clearance has already been taken up with J&K Forest Department/ Wildlife Department & it may take some more time. Interstate movement is being curtailed by J&K Govt. on account of COVID-19. Therefore, user agency has requested separate processing of Forest Clearance cases for the State of Punjab and State of J&K given the National importance of the project under consideration.

17. The Nodal Officer (FCA), Government of Punjab vide letter No. FCA/1980/135/2019/3885 dated 17.08.2020 has also informed about status of land under this project in J&K portion. For which the verification sought from the Commissioner/Secretary, UT Administration J&K on 22.08.2020.

18. No information has been received so far. However, the Chief Wildlife Warden, J&K has written to the PCCF (HoFF), J&K with a copy to the Ministry that ***“the perusal of the report of Wildlife Warden Kathua clearly mentions that proposed area of Shahpur Kandi Dam Project involves area of Their Conservation Reserve which was notified as Game Reserve in 1981 and was deemed as Conservation Reserve under section 36 of J&K Wildlife Protection Act, 1978. After the repeal of the said Act, the action taken stands saved under the saving clause of Wildlife Protection Act, 1972. Thus, the Conservation Reserve is deemed to have been notified under Wildlife Protection Act, 1972. The report of the Wildlife Warden clearly mentions that the areas coming in the alignment of said Dam involves forest land / Wildlife Protected Area. The enumeration of 40464 number of trees/ saplings/ poles has already been completed by the Wildlife Division, Kathua. The report also clearly mentions that parts of Forest Compartments i.e., Co 11/KTH, 12/KTH & 16/KTH shall be submerged due to the said project. In view of the above, the User Agency needs to be advised to apply for both Forest & Wildlife clearance as required under relevant law”***

19. Now, the Site re-visit report has also been received from the RO Chandigarh vide letter No. PBA341/2019-CHA dated 14.09.2020. The details of SIR are as given below:

19.1 As per the revised proposal there is an increase in the extent of forest land proposed for diversion from the originally proposed 109.64 ha to 275.16 ha by adding 161.73 ha protected forest and 3.78 ha land closed under PLPA 1900. Both of these added areas form the part of the riverbed area which was earlier not included in the proposal. During the site inspection of the DIGF (Central), RO Chandigarh on 29th & 30th July' 19 the riverbed area was examined in totality. There are no trees or vegetation in the riverbed area which requires a fresh site visit. Hence no site visit was warranted with respect to the change in project area.

19.2 However, with the change in project area there has been a commensurate change in the CA component to be provided by the User Agency. A revised list of CA sites identified in Non-Forest Area (NFL) was provided by State of Punjab. As per the revised list, CA over NFL will now be carried over 275.16 ha falling in six districts of the State.

Some of the sites were inspected in the previous site inspection and report submitted accordingly to the Ministry. Site inspection of major NFL sites falling in the Forest Divisions of Ropar, Gurdaspur and Sangrur were carried out by the DIGF (Central), RO Chandigarh on two different dates namely 25/08/20 & 09/09/20 in the presence of the local field officials and representatives of User Agency. The details are as follows:

A. Ropar Forest Division:

Name of site: Chack Dheran

Area: 71.48 ha

Remarks: This site is a huge block of NFL which is actually an ash disposal site (stage-III) of Punjab State Power Corporation Limited (PSPCL). Due to the purpose of usage of the land there are large areas inundated in water. **This land contains slurry deposits emanating from the unit. The UA stated that once this land is handed over to the Forest Department water will no longer be discharged from the unit. As on today the land is waterlogged, marshy, toxic due to ash deposits and infested with thickets of *Saccharum munja*.**

Field officers stated that soil testing of the site was done in Krishi Vigyan Kendra in June 2020 and the soil has been found suitable. No signs of encroachment were seen. Pillaring of site has not been carried out.

Site is suitable for plantation and has the potential to be green lungs of the area. Levelling of land, removal of thickets of *Saccharum munja* followed by soil amelioration will be required for carrying out plantation. Forest Research Institute can be roped in to give scientific inputs for ensuring successful plantation in this otherwise recalcitrant site.

B. Gurdaspur Forest Division:

Name of site: Village Talwandi Bharth (Rest House Aliwal)

Area: 5.67 ha

Remarks: This site is owned by Upper Bari Doab Canal (UBDC). It is located just behind UBDC guest house. The land is presently under active cultivation (temporary) of paddy by employees of Irrigation Department. The land is fertile and suitable for plantation. Moreover, this parcel of land is adjacent to MBL canal (Strip PF) which will be conducive for contiguity with forest area. There are no signs of encroachment and boundary pillaring work was seen to be done.

Name of site: Village Waraich (Rest House Kunjar)

Area: 2.01 ha

Remarks: This site is owned by Upper Bari Doab Canal (UBDC). The land is presently under active cultivation (temporary) of paddy by employees of Irrigation Department. The land is fertile and suitable for plantation. The land is fertile and suitable for plantation. Moreover, this parcel of land is adjacent to MBL canal (Strip PF) which

will be conducive for contiguity with forest area. There are no signs of encroachment and boundary pillaring work was seen to be done.

C. Sangrur Forest Division:

Name of site: Ghaggar River site comprising of ten villages on both sides.

Area 72.9 ha

Remarks: This particular patch of NFL is a linear land falling along both the banks of the Ghaggar creek. This land is under the ownership of Water Resource Department. Only the upper berm of the river has been included in this patch of land as the lower berm is prone to flooding during monsoons. The approximate width of the land is about 50-52 ft which varies as per the route of the river. The length of the proposed land is 22.5 km. The land is sandy and fertile. It is suitable for plantation. Temporary cultivation was noticed in the proposed land by employees of Irrigation Department. The land is free from encroachments, although five small rooms were seen at the site to keep motor pumps.

Name of site: Gujran Rest House

Area: 2.02 ha

Remarks: This patch of land is located around the abandoned Gujran Rest House of Irrigation Department. This land is fertile and is under active cultivation (temporary) of paddy by employees of Irrigation Department. Along with the existing structure of the abandoned rest house, there are four other dilapidated staff quarters in the land which occupy about 0.13 ha of land out of the total proposed 2.02 ha. The UA has to dismantle the existing structures and provide full floor area of 2.02 ha to the Forest Department for plantation.

Name of site: Arkwas Disty

Area: 9.71 ha

Remarks: This linear site is located along GBC canal. Earlier it was a kutchra earthen distributary channel which is not in use now. The width of the site is about 11 meters approx. and about 4.0 kms in length. There are no signs of encroachments. The site is fertile and suitable for plantation. There are strip PF on both sides of the site and hence, this will lead to contiguity of forest area.

20. It is also informed that a DO letter No. Nil dated **04.08.2020** of Mrs. Vini Mahajan, Chief Secretary to Government of Punjab addressed to the Secretary, MoEF&CC has been received regarding this proposal. In this letter she has expressed her concern that the instant proposal may be considered only for **109.64** ha and the riverbed area of 165.50 and PLPA de-listed area may be excluded.

21. Moreover, another DO of the Chief Secretary to Govt. of Punjab has also sent to the Secretary, MoEF&CC on **31.08.2020** vide which she has requested that proposal of J&K part may be considered separately to avoid delay.

22. Moreover, it is also informed that a review meeting on 09.07.2020 under the Chairmanship of Principal Secretary to PM was held regarding this project and following issues were discussed in this meeting:

22.1 During the presentation, status of the project and its brief background was given. It was noted that the project was originally conceived in 1979 and the construction started in 1999. The work was stopped by J&K in August, 2014 due to certain differences with Punjab.

22.2 The Govt. of India approved the funding of project in December 2018 at an estimated cost of ₹2715.70 cr. with a completion date of June, 2022.

22.3 CS, Punjab submitted that MoEF&CC may allow individual State proposals for Forest Clearance instead of seeking a joint proposal of Punjab & J&K.

22.4. CS, J&K submitted that there is Tripartite Team constituted to monitor the project and requested for its regular and frequent meeting. J&K is ready to submit a joint application (with Punjab)

22.5 CS, J&K further pointed out that the crest level height of the Dam on both sides should be the same.

22.6. Secretary, MoEF&CC stated that this project was given Environment Clearance in 1981 and the Department still treats it as valid clearance. It clarified that M/o EF&CC is not insisting on a joint proposal and instead they may submit individual proposals. About 680.0-hectare land is going under sub-mergence in J&K and the Forest Clearance application for the same needs to be submitted at the earliest. Punjab was also advised to provide suitable compensatory forest land instead of the extremely scattered locations presently indicated.

22.7 In light of the above, the following conclusion were reached:

- 1.** D/o Water Resources, RD&GR would ensure effective coordination between the UT of J&K, the State of Punjab and other government agencies for expeditious implementation of the projects.
- 2.** The State of Punjab would look into the issues raised by Secy. M/o EFCC and submit its proposals accordingly.
- 3.** The Tripartite Team would meet frequently and regularly and resolve all co-ordination issues relating to Shahpur Kandi Project.
- 4.** The State of Punjab would share all relevant details of the Shahpur Kandi Project with the UT of J&K.

In view of the above, it is proposed that the instant proposal may be placed along with above details before the FAC meeting scheduled to be held on 21.09.2020 under the Chairmanship of the DGF&SS, MoEF&CC.
