

Government of India  
Ministry of Environment, Forest and Climate Change  
(Forest Conservation Division)

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Indira Paryavaran Bhawan  
Jorbagh Road, Aliganj  
New Delhi – 110 003

**Dated: the 2nd November, 2020**

To

The Addl. Chief Secretary (Forests)  
Department of Forests & Wildlife Preservation,  
Government of Punjab,  
Mini Secretariat, Sector-9, Chandigarh

**Sub: Proposal for seeking prior approval under the 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 of 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.**

Sir,

I am directed to refer to the letter FCA/1980/135/2019/170 dated **19.06.2019**, letter No. FOREST-FCA0FC3P/8/2020-FCA dated **16.08.2020** and letter No. FCA/1980/135/2019/3885 dated **17.08.2020** of Addl. Pr. Chief Conservator of Forests cum Nodal Officer (FCA) Department of Forests & Wildlife Preservation, Govt. of Punjab, on the above mentioned subject, seeking prior approval of Central Government under Section-2 of the Forest (Conservation) Act, 1980 and to say that the said proposal has been examined by the Forest Advisory Committee (FAC) constituted by the Central Government under Section-3 of the aforesaid Act.

2. After careful consideration of the proposal of the Government of Punjab and on the basis of the recommendations of the Forest Advisory Committee, the Central Government hereby agrees *to accord "In-principle"* approval under the 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** subject to the following conditions:

- (i) Legal status of the forest land shall remain unchanged.
- (ii) *This recommendation for 'in-principle' approval should not be construed in any manner as prior consent of the FAC to recommend diversion of the forest area on the J&K side. To avoid a fait accompli, FAC also recommended that compliance of the conditions of this in-principle approval shall be initiated only after in-principle approval for diversion of forest area in J&K part of the*

*project is obtained.*

- (iii) ***State Government and user agency shall ensure that the CA areas are free of encroachment and encumbrances prior to submission of compliance report by the user agency.***
- (iv) **Compensatory Afforestation (CA):**
  - (a) CA shall be taken up by the Forest Department over 275.16 ha. of Non-forest land, as per approved Compensatory Scheme and area, at the cost of the User Agency. As far as practicable a mixture of local indigenous species will be planted, and mono-culture of a species has to be avoided.
  - (b) The non-forest land proposed for CA shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage-II approval. A copy of the original notification declaring the non-forest land under Section-4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, will be submitted by the State Government prior to Stage-II approval;
  - (v) The cost of CA at the prevailing wage rates as per CA scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years.
- (vi) **Net Present Value (NPV):**
  - (a) The State Government shall charge the NPV for 275.16 ha forest area to be diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 30/10/2002, 01/08/2003, 28/03/2008, 24/04/2008 and 09/05/2008 in IA No. 566 in WP (C) No. 202/1995 and as per the Guidelines issued by the Ministry vide letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006-FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.
  - (b) Additional amount of the NPV of the diverted forest land, if any, becoming due after finalization of the same by the Hon'ble Supreme Court of India on receipt of the report from the Expert Committee, shall be charged by the State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.
- (vii) The cost of felling of trees shall be deposited by the User Agency with the State Forest Department.
- (viii) All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through e-portal.
- (ix) Copy of approved Catchment Area Treatment (CAT) Plan shall be submitted in accordance to para no. 4.8 (i) of the Forest (Conservation) Act, 1980 Handbook, if applicable.
- (x) The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
- (xi) All the funds received from the user agency under the project shall be transferred/ deposited to the CAMPA fund only through the e-portal (parivesh.nic.in).

(xii) The complete compliance report shall be uploaded on the above e-portal.

3. After receipt of the report on compliance to the conditions stipulated in the paragraph-2 above, from the Government of Punjab, **Final/Stage-II** approval for diversion of the proposed forest land under Section-2 of the Forest (Conservation) Act, 1980 will be issued by this Ministry. Transfer of the said forest land to the User Agency shall not be affected by the Government of Punjab till Final/Stage-II approval for its diversion is issued by this Ministry.

**Yours faithfully,  
Sd/-**

**(Sandeep Sharma)  
Asst. Inspector General of Forests (FC)**

**Copy to: -**

1. The PCCF (HoFF), Government of Punjab, Sector-68, SAS Nagar, Mohali.
2. The Regional Officer, NRO, Chandigarh.
3. The Addl. PCCF cum Nodal Officer (FCA), Government of Punjab, Sector-68, SAS Nagar, Mohali.
4. User Agency.
5. Monitoring Cell, FC Division, MoEF & CC, New Delhi.