

Form-A (Part-IV)

Detailed opinion and specific recommendation of the State Forest Department for acceptance or otherwise of the proposal with remarks.

The proposal is essential for providing road connectivity and therefore recommended for acceptance under the provisions of Forest (Conservation) Act, 1980.

Since the proposal involves construction of rural link road in a hill district, equivalent non-forest land has not been sought. Instead the CA proposal has been prepared on the degraded forest land, twice in extent of the land being diverted in terms of para 2.5 (g) of the Handbook of Forest (Conservation) Act 1980 and Forest Conservation Rules, 2003

Date: 6/3/2021

Place: Jammu

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

(Sarvesh Rai) IFS



Revised Detailed Report on Violation of the Forest Conservation Act,
1980.

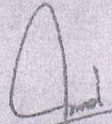
As per the site inspection, it has been observed that the then user agency (R&B Division Kulgam) has violated the provisions of Forest (Conservation) Act, 1980 by constructing the in-question road without processing the case under the provisions of the Act, and without proper Government order in the instant case and is liable for punishment under rule 3 (B) issued by the Assistant Inspector General of Forests Ministry of Environment, Forest & Climate Change (Government of India) vide F. No. 11-42/2017-FC Dt: 29-01-2018. Further it is to mention that at present the up-gradation and maintenance of the said road is now taken over by PMGSY Division Kulgam.

1. The penalty for violation shall be equal to NPV of forest land per Hectare for each of violation from the date of actual diversion as reported by the inspecting officer with maximum upto five (5) times the NPV plus 12% simple interest till the deposit is made.
2. In case of public utility projects of the Govt. the penalty shall be 20% of the penalty proposed in Para (i) above.

The above mentioned user agency has not followed the due procedure for forest land diversion and has constructed the said road few years back as reported by Range Officer DH Pora vide No. 1010/N Dated 15-02-2021. The penalty as such calculated is as under:-

1. Total NPV = 216690/=
2. Penalty for 5 years $(5 \times 216690) = 1083450/=$
3. Simple interest @ 12% in penalty amount = 130014/=
4. Total Penalty amount = 1213464/=
5. 20% of recoverable penalty amount (as the project is of public utility) = 242693/=

As per the standing Govt. orders/directions and keeping in view the violation of the Forest Conservation Act, 1980 the then user agency(R&B, Division Kulgam) is recommended to pay 20% of the penalty proposed in the para (i) above which is Calculated as Rs. 242693 (Rs. Two Lakh Fourty Two Thousand Six Hundred Ninety Three) and it is as such requested/recommended that the case may kindly be approved under the provisions of the FCA-1980, please.


Divisional Forest Officer
Special Forest Division
Kulgam

CALCULATION SHEET OF PENAL AMOUNT

The Penalty for illegal construction of road involving 0.31 Ha of forest land in compartment
N-48 of DH Pora Range


1. Total NPV of forest land involved @ 699000/Ha	=	Rs. 216690/-
2. Penalty for 5 years \times 216690	=	Rs. 1083450/-
3. Simple interest @ 12% in penalty amount	=	Rs. 130014/-
4. Total Penalty amount	=	Rs. 1213464/-
5. 20% of recoverable penalty amount (Since the project is of public utility)	=	Rs. 242693/-

Divisional Forest Officer
Special Forest Division
D. K. Singh

Full Title of the Project : Up-gradation and maintenance of road from L031-Pahloo to Laisoo
 Proposal No. : FP/JK/ROAD/74294/2020
 Date of Proposal : 15-12-2020

CALCULATION SHEET OF NET PRESENT VALUE (Violation Part)

S. No.	District	Comptt. No.	Forest Area Involved	Canopy Density	Eco-class	NPV Rate (Lac.Rs/Ha)	NPV Amount (Lacs)
1	Kulgam	N-48	0.31	Open	VI	699000	216690
Total			0.31			699000	216690


 Divisional Forest Officer
 Special Forest Division
 Kulgam