

**Detailed report on violation of the Forest (Conservation) Act, 1980.**

As per the site inspection, it has been observed that the user agency (PMGSY) has violated the provisions of the Forest (Conservation) Act, 1980 by constructing up-gradation and maintenance of road L-049 from Shiva to Kharma without processing the case under the provisions of the Forest (Conservation) Act, 1980 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.

01. 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 deposits is made.
02. In case of public utility projects of the Govt. the penalty shall be 20% of the penalty proposed in Para (i) above.

The user agency has not followed the due procedure for forest land diversion and has constructed the said road some 3 years back as reported by Range Officers Kandi vide No. 447-50/G dt.07.08.2020. The penalty as such calculated is as under:-

01. Total NPV =	Rs. 1331595.00
02. Penalty for 3 years= 3 x NPV=	Rs. 399479.00
03. Simple Interest @ 12% in penalty amount=	Rs. 47937.00
04. Total penalty amount=	Rs. 447416.00
05. 20% of recoverable penalty amount (since the project is of public utility)=	Rs. 8,94,832.00

As per the standing Govt. orders/directions and keeping in view of the violation of Forest Conservation Act, 1980 the user agency is recommended to pay 20% of the penalty proposed in the Para (i) above which is calculated as Rs. 8,94,832.00 (twelve lakhs sixty eight thousand six hundred thirty nine rupees only) 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,  
Kamraj Forest Division,  
Zangli Kupwara  
**KAMRAJ FOREST DIVISION**  
Zangli (Kupwara)

**FULL TITLE OF THE PROJECT:-**

Up-gradation and maintenance of road from L-049 Shiva to Kharma.

**Proposal No:-**

FP/JK/road/49090/2020

**Date of proposal: -**

17.09.2020

**SITE INSPECTION REPORT BY AN OFFICER NOT BELOW THE RANK OF DCF/DFO  
(FOR THE FOREST LAND TO BE DIVERTED UNDER FCA 1980.)**

01. A proposal has been received by this office from Chief Engineer PMGSY Kashmir for diversion under FCA, 1980 of 1.905 Hac of Forest Land in compptt.24/K for non forestry purpose. The subject envisages the use of forest land for up-gradation and maintenance of road from L-049 Shiva to Kharma. The site inspection of the land involved in the proposal has been done by me on 04/02/2021. On inspection of the site, it is found that the land required by the user agency is a forest land measuring 1.905 Hac. The requirement of the forest land as proposed by user agency in col. 2 of part I is unavoidable and is barest minimum required for the project.
02. Whether any rare/endangered/unique species of Flora & Fauna found in the area, if so details thereof
- Nil--.
03. 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
- Nil--.
04. a) The user agency has not violate the provisions of the FCA 1980 and no work has been started without proper sanction.
- (b) **It has been found that the user agency has violated the Forest (Conservation) Act 1980, a detailed report on violation is attached.**

***(Note:- Whichever of the above is applicable should be shown in bold letters)***

05. Specific recommendations for acceptance or otherwise of the proposal.

It is submitted that the subject road alignment is a public utility project of the Govt. which has been constructed by way of earth cutting some three years back and now involves further up-gradation and maintenance by way of macadamisation, construction of drains and Retaining-walls. It is as such requested/recommended that the case may kindly be approved under the provisions of Forest Conservation Act, 1980, please.

  
Divisional Forest Officer,  
Kamraj Forest Division,  
Zangli Kupwara  
**KAMRAJ FOREST DIVISION**  
Zangli (Kupwara)