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-041 from Zaloora to Gujarpatti 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. 532/G dt.21.09.2020. The penalty as such calculated is as under:-

01. Total NPV =   Rs. **9,43,650.00**
02. Penalty for 3 years=3 x NPV=   Rs. 2830950.00
03. Simple Interest @ 12% in penalty amount=   Rs. 339714.00
04. Total penalty amount=   Rs. 3170664.00
05. 20% of recoverable penalty amount
    (since the project is of public utility)=   Rs. **6,34,133.00**

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. **6,34,133.00** (Eight lakhs Ninety nine thousand thirty five 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.