

**JUSTIFICATION NOTE FOR APPLYING FOR WILDLIFE AND FOREST
CLEARANCE ON J&K SIDE FOR LAND ACQUIRED FOR SHAHPURKANDI DAM
PROJECT**

Total area acquired for Shahpurkandi Dam Project is 1281.13 Hectares, out of which 663.30 Hectare area falls on Punjab side and 618.35 Hectare area falls on J&K side plus 6.32 Hectare area for construction of balance portion of Ravi Canal on right side of Sukhral Khad is under acquisition. Out of the total acquired area, the total area coming under submergence is 862.71 Hectare, out of which 333.91 Hectare falls on Punjab side and 528.80 Hectare falls on J&K side.

The Environmental Clearance for Shahpurkandi Dam Project was accorded in the year 1981 by Ministry of Environment vide letter no. 14/74/80-env dated 18th November, 1981. At that time, it was intimated by Divisional Forest Officer Kathua vide his letter No 39/81/C dated 30.05.1981 that no Forest Land is involved in the Shahpurkandi Reservoir Area. The Environmental Clearance was further extended vide letter no. 14/74/80-env dated 18th September, 1992. That EC of the Shahpurkandi Dam Project is presently in place with its last revalidation done vide Ministry's letter No 5-8/90/ro (nz) / 3156 dated 18.12.2006 (copies attached).

The proposal for seeking prior approval under Forest (Conservation) Act, 1980 for area falling on Punjab side was discussed in FCA meeting held on 21st September, 2020 under agenda item no. 5 and the decision taken is reproduced below:

“After detailed examination and deliberations on the proposal with officials of Regional Office, Chandigarh, PCCF (HoFF) Punjab and Nodal Officer (FCA), Punjab, FAC observed that it is a national project of immense importance. The project proposal has two inter-dependent components, northern side is located in J&K and southern side is in Punjab. FAC analyzed the part of project proposal submitted by the Government of Punjab. After detailed analysis and deliberation with PCCF (HoFF) Punjab, FAC agreed to recommend the project (Punjab part of the project) for in-principle approval under Section-2 (ii) of the Forest (Conservation) Act, 1980 with general, standard and following specific conditions.

- i. *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.*
- ii. *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.”*

This proposal is for diversion of area in non-forest land where felling of trees is involved and for Wildlife clearance based on available documents provided by wildlife Department J&K regarding demarcation of Thein Game reserve, for area falling on J&K side acquired for Shahpurkandi dam project. The proposal is discussed as under:

The area falling on J&K side was acquired in the year 1994-95 under 5 awards in three villages i.e. Basantpur, Noora and Thein, and out of which 320.49 Hectare is private land and 297.86 hectare is Govt. land. The compensation for land as assessed by revenue authorities, compensation for trees as assessed by Forest Department and Horticulture Departments of J&K and compensation for structures as assessed by PWD (R&B) J&K etc. were also paid to the owners. No Forest land is involved in this area. On the request of project authority, recently also, Additional Deputy Commissioner, collector Thein Dam, Basohli vide his letter no. TDP-2020-21/49-50 dated 27.08.2020 has categorized the quantity of land acquired by Shahpurkandi Dam project as, Govt. land/state land =736 acres (297.86 Hectare), Private land = 791.95 acres (320.49 Hectare), Forest land = Nil (copy attached).

Out of the total area of 618.35 hectare acquired on J&K side, the area coming under submergence up to FRL is 528.80 Hectare. The balance area above FRL, as such works out to be 89.55 Hectare (618.35 Hectare -528.80 Hectare).

During the year 1981, based on the cabinet decision No 35 dated 2.2.1981, the J&K Govt vide order No FST-20 of 1981 dated 04-02-1981, accorded sanction to Notify the area located on the right of bank of Ravi river as Thein Game Reserve under section 17(1) of J&K Wildlife (protection) Act 1978. Further process as laid down in the act to declare this area as Thein Game Reserve couldn't be initiated.

Since the Land acquired for the Project on J&K side did not involve any Forest Land component, so it was presumed that no further clearance is required till July 2019. However, Wildlife Warden Kathua vide his office letter No WL/K/517-20 Dated 24.07.2019 informed that Shahpurkandi Dam Project may involve the Wildlife clearance specifying the reason that the area was declared as Thein Game Reserve in 1981 vide Government No FST 20 of 1981 Dated 04.02.1981.

As per the boundary description of the Thein Conservation Reserve i.e. Badri Di Dhar on North East, Tikar Nallah on North West, Ravi River on South East and Sukhral Nallah on South West, the Area requiring Wildlife Clearance in Govt land comes to 51.08 Hectare.

CE SPKD Shahpurkandi vide his letter no 6687-90/SPK-161 Dated 25.09.2020 requested Nodal Officer SPKD cum Regional Wildlife Warden Jammu to provide the authenticated data of the land claimed along with the legal status of the land that will govern the diversion area to be submitted with the application online on Parivesh Portal for obtaining requisite clearance. However, the Conservator of Forests (Wildlife) cum Regional Wildlife Warden, Jammu intimated that even though the SPK Dam Authorities have acquired project affected area in the year 1994-95 post game reserve notification in the year 1981, yet the Dam authorities are under the obligation to apply for Forest/ Wildlife Clearance as per FC act 1980 through PARIVESH and also suggested to assess the Forest/ Protected area in light of the judgment issued by the Hon'ble Apex Court in the T N Godavarnan Thirumulpad V/s Union of India.

On 12th October 2020, Secretary Jal Shakti Govt. of J&K held a meeting at Kathua (J&K) to review the status of the Wildlife Clearance on J&K side and was apprised by the Wildlife Department J&K that no formal notification has been issued after the issuance of the Govt. Order in the year 1981 and the area continues to be the non-forest area in the revenue records. However, the Wildlife as well as the Forest Clearance is required as the submergence zone below FRL (-) 4 shall involve felling of trees.

In this regard a meeting with PCCF was held at Jammu and it was pleaded by the CE SPKD that the Punjab Govt. cannot be burdened with the additional cost on account of the Forest Clearance/ Wildlife Clearance as the land stands already acquired by the department except the NPV of the trees falling under FRL - 4 zone which are to be cut prior to impounding of the reservoir. It was decided to work out the area falling in wildlife conservation reserve and the area in the Govt. Land where felling of trees is required.

Chief Secretary Govt. of J&K while reviewing the progress of Shahpurkandi Dam Project in a meeting through VC on 20.10.2020 directed the concerned officers to process the case of seeking necessary Wildlife clearance on J&K side by 30th October 2020 and also directed PCCF J&K to process the Forest Clearance Case simultaneously.

The field activities like marking of FRL, FRL -2, FRL -4 including enumeration of the trees on J&K side already stand completed. On the basis of this letter vide which the area has been claimed to be handed over to Wildlife Warden in November 2011, it has been categorically stated that the Thein Conservation Reserve is presently under the control of Forest Department and is located on the right of bank of Ravi river falling in Basantpur Block of Kathua Forest Division (Copy attached). Whereas most of the area acquired by project authority falls between left of bank of river Ravi upto interstate boundary, which is as such not a part of conservation reserve.

In addition to already acquired area, the process for acquisition of additional area to connect proposed balance portion of Ravi canal with existing Ravi canal portion has been undertaken by J&K authority, which comes to 6.32 hectare but this area falls on the right side of Sukhral Khad, as such is not a part of Wildlife Conservation.

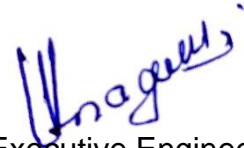
The break up details of 1527.95 Acres plus additional area under acquisition is as under:

a. Area Acquired	= 618.35 Hectare
b. Area under Acquisition	= 6.32 Hectare
Total area for the project	= 624.67 Hectare
c. Area up to FRL including River Area	= 528.80 Hectare
d. Area Above FRL	= 89.55 Hectare
e. River Area up to Right Bank	= 436.26 Hectare
f. Area from River Edge to FRL wherein part is a wildlife area	= 92.54 Hectare
g. Additional Area acquired above FRL Where construction activity is involved	= 40.46 Hectare
h. Area under Acquisition	= 6.32 Hectare

- | | |
|---|-------------------------------|
| Total (f+g+h) | = 139.32 Hectare |
| i. Wildlife Area out of 139.33 Hectare | = 51.08 Hectare (38.21+12.87) |
| j. Area under submergence FRL-4
where felling of trees is involved | = 13.24 Hectare |

Conclusion:

As such after assessing the area of wildlife and forest cover under the project (area acquired) as elaborated above, this department has filed the application for seeking necessary forest as well as the wildlife clearance from the Competent authority.



Executive Engineer,
SPK Dam Division No. 2
Shahpurkandi Township



Telephone No.: (0172) 2600061, 2664500
Fax No. (0172) 2604134

उत्तर क्षेत्रीय कार्यालय
ब्लॉक नं. 24-25, सेक्टर 31-ए
दक्षिण मार्ग, चण्डीगढ़-160030
NORTHERN REGIONAL OFFICE
BAYS NO. 24-25, SECTOR 31-A,
DARSHAN MARG, CHANDIGARH-160030

F.No.5-8/90-RO (NZ) / 3156

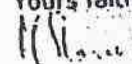
Dated: December 18th, 2006

To,
✓ The Chief Engineer
Shahpur Kandi Dam Circle
Shahpur Kandi Dam Project - Irrigation Works
Shahpur Kandi Township,
Distt.—Gurdaspur, Punjab

Subject:-Implementation status of environmental safeguards about Shahpurkandi
Barrage & Power Plant (168 MW) Scheme, Punjab.

Ref No. MoEF's Environmental Clearance letters No.14/74/80-Env dated 18
/11/ 81; and
September 18th 1992

Sir,
This office has received a letter dated 10/11/06 on the above mentioned project along with a statement ending Quarter 30/09/2006 w.r.t. physical progress & expenditure incurred. The Project Authorities should ensure that they keep this office apprised of both, the Physical & Financial progress on the project. The MoEF's environmental clearance accorded continues to be valid subject to the progress of work & compliance of the MoEF's conditions mentioned in the environmental clearance.

Yours faithfully,

(Mita Sharma)
Additional Director

Copy (for Information) :

1. Dr.Sunita Auluck, Additional Director, Ministry of Environment & Forests, Paryavaran Mantralaya, CGO Complex, Lodhi Road, New Delhi 110 003 (encl. statement ending Quarter 30/09/2006 w.r.t. physical progress & expenditure incurred.)

Executive Engineer,
Spk. Dam Division No. II
Shahpurkandi T/ship

2/10/07
In. on
R/o

Govt. of Jammu and Kashmir UT.
Office of the Collector Thein Dam Project Basohli.

The Deputy Commissioner,
Kathua.

No: - TDP/2020-21/ 49-50

Dated: - 27-08-2020


Subject: Category and quantity of land acquired by Shahpurkandi Dam project authorities.

Ref: Your office letter no. DCK/LA/2020-21/540-42 dated 26-08-2020.

Sir,

Kindly find enclosed herewith category wise of land i.e. Private/Forest/Govt. acquired for construction of Shahpurkandi Dam authorities as desired by you vide your office letter mention under reference for further necessary action.

Yours faithfully,


Additional Deputy Commissioner
Collector Thein Dam Project
Basohli.

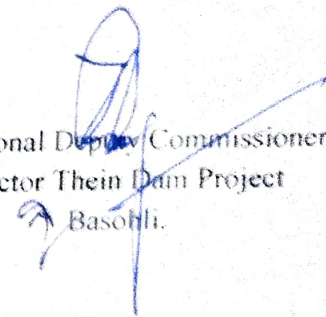
Copy to:-

1. Executive Engineer, Shahpurkandi Dam Div. No.2 for kind information.

S.No.	Name of the Village	No. & Date of Award	Area Acquired									
			Private Land					State Land				
						Total	Forest				State	
											Total	
							Cultv.	B.Q	G.M	Total		
K / M	K / M	K / M	Cultv.	B.Q	G.M	Total	Total	Total Area				
01	Basantpur (1015K-11M)	TDP/LA/7 61-66 Dt. 24-05-98	644K-8 1/2M	02K—04M	237K—15M	884K ---7 1/2M	---- Nil-	---- Nil-	----- Nil-	----- Nil-	131K---3 1/2M including 17K – 06M allottee under LB6.	1015K—11M
02	Basantpur (3397K-17M)	TDP/LA/8 20-25 Dt. 26-03-94	170K—01M	-----	391K—15M	561K --- 16M	---- Nil	---- Nil	----- Nil	----- Nil	2836K---01M including 20K – 17M allottee under LB6.	3397K—17M
03	Noora (5298K-05M)	TDP/Actt/ 757-62 Dt. 02-02-95	197K--10M	718K—07M	3147K--17M	4063K ---14M	---- Nil	---- Nil	----- Nil	----- Nil	1234K---11M including 8K – 00M Govt. allottee.	5298K—05M

04	Noora (870K- 11M)	TDP LA/7 63-68 Dt. 02-02-97	-----	-----	686K -- 11M	686K --- 11M	-----	-----	-----	-----	184K---00M	870K---11M
05	Thein (1641K- 06M)	TDP LA/2 42-46 Dt. 21-07-94	82K--08M	05K---03M	51K--09M	139K ---00M	-----	-----	-----	-----	1502K---06M including 18K - 13M allottee under LB6.	1641K---06M





 Additional Deputy Commissioner
 Collector Thein Dam Project
 Basohli.

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OFFICE OF THE ASSISTANT WORKING PLAN OFFICER KATHUA

The Divisional Forest Officer,
Kathua Forest Division,
Kathua.

NO: - 47 /AWPO/KTH

Dated : - 19/11/20011.

Subject: - Handing over of Their Conservation Reserve areas to WLP-Department.

Reference: - Your office NO: - KFD/2011-12/WL/1939 Dt: - 3/9/2011.

Sir,

In reference to your above mentioned letter No. on the captioned subject matter, in this regard under signed have the honor in submitting a joint report as an under: -

- I) That Their Conservation Reserve is presently under the control of Forest Department and is located on the right of bank of Ravi River falling in Basantpur Block of Kathua forest division.
- II) That the said Conservation Reserve was notified way back in 1981 vide Cabinet Decision NO:-35 dated 2/2/1982.read with Government Order No.FST/20 of 1981 dated 4/2/1981.(Copy enclosed as Annexure I)
- III) That the said notification regarding the Conservation Reserve does not mention about specific compartments but tells about physical features forming its natural boundaries as under: -

1. N-E = Badhri-di- dhar([Prominent Ridge)
2. S-W = Sukal Khad
3. S-E = Ravi River
4. N-W = Tikkar nallaha

Keeping in view the above mentioned given boundary references of the Game Reserve, an attempt has been made by the under signed in association with the following Officers of Forest and WLP-department to identify the compartment boundaries on the ground falling within the jurisdiction of said Reserve. In brief the gist of compartments involved showing its area & extent has been worked out and is reflected as an under: -

Conti. on p/2

S.NO.	Comptt.NO.	Area(Ha)	Remarks
1	10/KTH	147.50	40% area of the comptt.
2	11/KTH	184.00	100% area of the comptt.
3	12/KTH	563.00	100% area of the comptt.
4	13/KTH	502.00	100% area of the comptt.
5	14/KTH	177.00	40% area of the comptt.
6	16/KTH	316.50	100% area of the comptt.
Total		1890.00	

The Map of the areas involved for handing over to WLP-department is prepared on 1:50,000 Scale and is enclosed as an **Annexure II**, for kind per usual.

Hence report is submitted for further eventual action at your end please.

Yours faithfully,

(H.D. Thakur),

Assistant Working Plan Officer,
Kathua Forest Division,
Kathua

Signatures of the officers associated:-

1) (Sh. ARUN GUPTA)

Range Officer- IWP-Kathua

2) (SH. SUBASH CHANDER)

Range Officer- II, Kathua Range

3) (DEWAN CHAND)

Range Officer-

-Anti poaching, WLP-Deptt. Kathua

4) (SH. SURESH GUPTA)

BLOCK OFFICER, WP-Kathua

5) (SH. JOGINDER P. GUPTA)

BLOCK OFFICER, WLP-Deptt. Kathua

6) (SILDANISH KUMAR)

Dy. Forester, WLP-Deptt. Kathua

S. S. Singh
Dy. Forest Officer