

Government of Jammu and Kashmir,

Forests, Ecology & Environment Department

Civil Secretariat, J&K Jammu

Principal Chief Conservator of Forests & (HoFF),
J&K Forest Department,
Van Bhavan, Jammu.

No. FST-Land0FC/45/2022-02

Dated:- 21.07.2022

Subject: Use of 0.97 Ha. of forest land for laying of underground optical fiber cable on
Machedi-Thall-Bhullari in Billawar Forest Division.

Ref: Online Proposal No. FP/JK/OFC/151348/2022

Sir,

Please refer to the case of use of 0.97 Ha. of forest land for laying of underground Optical fiber cable on Machedi-Thall-Bhullari in Billawar Forest Division as per online proposal referred above.

2. I am directed to convey *in-principle* approval for laying of optical fibre cable on Machedi-Thall-Bhullari in Billawar Forest Division with the following particulars and subject to the fulfilment of terms and conditions appearing hereinafter:-

1.	User Agency/Applicant	Vindhya Telelinks Ltd
3.	Compartment No.	25b/Blr & 78/Bni
4.	Location	District : Kathua Division : Billawar Forest Division
5.	Objective	To provide mobile communication network
6.	Salient Features of the project:	
	i.	Length of the underground OFC passing through forest OFC. 32500 Mtr.
	ii.	Width of the underground OFC passing through forest 0.30 Mtr
		Total forest area involved 9750 sq. mtr =0.97 Ha
7.	Number of Trees / Poles/ Saplings involved: Nil	
8.	a	Whether the forest land proposed to be used for non-forest purpose forms part of a natural reserve, national park, wildlife sanctuary, biosphere reserve or forms part of the habitat of any endangered or threatened species of flora and fauna or any area lying in severely eroded catchment. No
9.	Compensatory Afforestation (CA): Compensatory Afforestation (CA) will be carried out on degraded forest land (2 Ha) in compartment No. 24/b/blr at the cost of user agency as per approved CA scheme amounting to Rs 4.37 Lacs.	
10.	Summary of Amount to be deposited by the User Agency: 1. Compensatory Afforestation = Rs. 4,37,000/- 2. Net Present Value (underground OFC) = Exempted as per Hon'ble Apex Court order	

(A) Conditions which need to be complied prior to handing over of forest land by the J&K Forest Department.

- i) Cost of compensatory afforestation as per scheme may be realized from the user agency;
- ii) Net Present Value (NPV) of the forest land being diverted for non-forestry purpose may be realized from the user agency, as per 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 letter No. 5-3/2011-FC (Vol-I) dated 6th January, 2022 in this regard.
- iii) 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 from the User Agency. The User Agency shall furnish an undertaking to this effect.
- iv) The Net Present Value (NPV) of the forest land and all other CA levies shall be deposited through web portal of Ministry of Environment, Forest and Climate Change www.parivesh.nic.in;
- v) User agency should ensure that the compensatory levies (CA cost, NPV, etc.) are deposited through challan generated online on web portal and deposited in appropriate bank only. Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance;
- vi) The cost of extraction shall be paid by the user agency to the agency executing the extraction (J&K Forest Department/J&K Forest Development Corporation/any other, as applicable);
- vii) Original copy of FRA certificate to be submitted;
- viii) Divisional Forest Office shall furnish undertaking that the approved CA sites will not be changed without the approval of the Competent Authority.
- ix) The CEO State CAMPA shall furnish undertaking that the funds under State CAMPA will be released to Divisional Forest Officer as per approved CA scheme.
- x) The KML files of the area to be diverted, the CA areas, the proposed SMC work, the proposed Catchment Area Treatment area and the WLMP area shall be uploaded on the e-Green watch portal with all requisite details before issuing working permission towards linear projects or submitting compliance report for seeking Stage-II approval, as the case may be.
- xi) No permanent construction of the building is permitted at the sites.
- xii) Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per law.

(B) Conditions which need to be strictly complied on field after handing over of forest land to the user agency by the J&K Forest Department but the compliance in form of undertaking shall be submitted prior to Stage-II approval:

- i) Legal status of the forest land shall remain unchanged;
- ii) Efforts should be made to fell minimum number of trees ;
- iii) The CA will be carried out on degraded forest land as per the CA scheme and the funds will be provided by the user agency. The plantation of 1000 trees per ha (or proportionately less if forest area diverted is less than 01 Ha) will be done within one year from the date of issue of the approval;
- iv) The layout plan of the proposal shall not be changed without prior approval of Central Government;
- v) No labour camp shall be established on the forest land;
- vi) Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the State Forest Department or the Forest Development Corporation or any other legal source of alternate fuel;
- vii) No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
- viii) The period of diversion under this approval shall be co-terminus with the period of lease to be granted in favour of the user agency or the project life, whichever is less;

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- ix) The forest land shall not be used for any purpose other than that specified in the project proposal,
- x) The forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of Govt. of India; and
- xi) The User Agency shall abide by the procedures as per the Telecom Guidelines/Policy etc in force, regarding installation of over ground infrastructure on forest land.
- xii) The User Agency shall pay any expenses/rent/fees etc as applicable towards Forest Department in accordance with the relevant Telecom Guidelines/Policy in vogue.
- xiii) The OFC cable shall be laid down in a trench not more than 2 metre in depth & 1 metre in width and after laying of the OFC, the ground will be suitably leveled and reclaimed.
- xiv) The User Agency shall construct retaining walls/breast walls/ rain water drainage on forest land and take all necessary steps to check soil erosion which may result due to proposed work.
- xv) Any damage done to the forest by the User Agency or its contractors shall be charged from the User Agency @ 10 times as per the standard rate of 2018 issued vide the Government Order No: 10-FST of 2018 dated: 09.01.2018.
- xvi) The forest land so allowed for use shall return to the Forest Department free of any encumbrances when it is no longer required by the User Agency.
- xvii) Any other condition that the Ministry of Environment, Forests & Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests & wildlife

3 User Agency shall obtain Environment Clearance or any other clearance, if applicable under any act/rule/order/guideline etc for the proposal.

4. After receipt of the compliance report on fulfillment of the conditions under para-2, above, final approval order shall be given under Section-2 of the Forest (Conservation) Act, 1980. The use of forest land will not be allowed till final approval is accorded.

Yours faithfully

(Fayaz Ahmad Qureshi)

Under Secretary to Government,,

Copy for information to the:

1. Secretary to Government of India, MoEF&CC, New Delhi.
2. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
3. APCCF/Chief Conservator of Forests, Jammu
4. Chief Conservator of Forests/Nodal Officer J&K (FCA) (ccffcajk1@gmail.com).
5. Private Secretary to Chief Secretary.
6. Private Secretary to Commissioner/Secretary to Government Forest, Ecology & Environment Department J&K.
7. Private Secretary to Special Secretary (Technical), Forest, Ecology and Environment Department
8. General Manager, Vindhya Telelinks LTD, 2nd Floor Indira theatre Opposite Circuit House canal road Jammu..
9. Stock file (w.2.s.c).