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Office of the Executive Engineer PWD (R&B) Division Billawar

Email:-xenpwdbillawar@gmail.com

Divisional Forest Officer Billawar No:- 2390-93 Dt:- 11-11-2024

Sub:- Compliance of Stage 1 Conditions of Forest Proposal No:-FP/JK/Road/121506/2021 for Diversion of 1.505 Ha of Forest land for Construction of road from Bani to Billawar via Dhaggar, Dhaman and Deri Gala under CRF Phase-I. Under PWD (R&B) Division Basohli (Now PWD(R&B) Division Billawar) District Kathua, UT of J&K reg.

Ref:- DFO/BLR/2181 Dated 07-11-2024

Sir,

In continuation of this office letter no.2315-14 Dated:-06-11-2024. Kindly find enclosed FRA Certificate issued by the Deputy Commissioner, Kathua (Original) and Compliance report as per the Condition B (Undertaking).

Yours faithfully

Executive Engineer D (R&B) Division

Encl. 4 leaves

Copy to the:-

- 1. Chief Engineer PW(R&B) Department Jammu for favour of information please.
- 2. Superintending Engineer PWD(R&B) Kathua-Samba Circle Kathua for favour of information please.
- 3. Executive Engineer PWD(R&B) Division Basohli for favour of information.

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Divisional Forest Officer Billawar Forest Division Billawar. No:- 2394-98 Dt:- 11-11-2024.

Subject:- Compliance of Stage 1 Conditions of Forest Proposal No:- FP/JK/Road/121506/2021 for Diversion of 1.505 Ha of Forest land for Construction of road from Bani to Billawar via Dhaggar, Dhaman and Deri Gala under CRF Phase-I. Under PWD (R&B) Division Basohli (Now PWD(R&B) Division Billawar) District Kathua, UT of J&K reg.

Ref:- DFO/BLR/2181 Dated :07-11-2024.

Sir,

The above project is proposed for construction of road from Bani to Billawar under CRF-Phase I in District Kathua.

B) The following Conditions shall be complied with before handling over the forest land by the UT Forest Department to the user agency:- (Undertaking)

S. No.	Conditions	Compliance by User Agency, PWD (R&B) Division Billawar
1	The number of nuisance trees/plants to be cut shall not in any way exceed the number shown in the proposal and no harm shall be done to the wildlife during felling of trees.	NA
2	Compensatory afforestation shall be taken up by the Forest Department over degraded forest land in Thall, Compartment no. 25a/Blr, Range-Malhar, Billawar Forest Division District Kathua at the cost of the user agency. The plantation shall be done within one year from the date of issue of approval. As far as possible, a mixture of local indigenous species shall be planted and monoculture of nay species may be avoided.	NA
3	The Divisional Forest Officer shall furnish undertaking that the approved CA site (s) will not be changed without the approval of competent authority.	NA
4	The chief Executive Officer, UT CAMPA Authority shall furnish undertaking that the funds under state/UT CAMPA will be released to Divisional Forest Officer as per approved CA scheme.	NA
5	The UT Government shall upload the KML files of the degraded forest area accepted for raising compensatory afforestation in the E-Green watch portal of FSI, before handing over of forest land to the user agency.	NA

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/	6	The forest land shall not be used for any purpose other than that specified in the project proposal.	Agreed
	7	The user agency shall pay additional amount of NPV as and when increased on the order of Hon'ble Supreme Court and the UT government will ensure that the increased amount is deposited.	Agreed
	8	The permission will be given to this proposal for 99 years, after that permission shall be obtained from the Government of India. The period of diversion under this approval shall co-terminus with the period of lease to be granted in favor of the user agency or the project life, whichever is less.	Agreed
	9	NO damage will be done to the adjoining forest land. Simultaneously, all efforts will be made to save adjoining forest and forest land.	Agreed
	10	The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department, or person without approval of the Central Government.	Agreed

11	The layout plan of the proposal shall not be changed without prior approval of Central Government.	Agreed
12	The user agency shall carry out muck disposal at pre-designated sites as per the scheme approved.	Agreed
13	Any other condition may be stipulated by this regional office from time to time, in the interest of conservation, protection and development of forests & wildlife.	Agreed .
14	User Agency shall obtain Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, If applicable.	. Agreed .
15	Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per the MOEF& CC, guideline 1.21 of Handbook of Forest (Conservation) Act, 1980 and Forest Conservation Rules, 2003 (Guidelines & Clarifications), 2019.	Agreed



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/	10	It will be the responsibility of the UT Government/User Agency to obtain all other prior approvals/Clearances under all other relevant Acts/Rules/ Court's Rulings/Instructions, etc., including environmental clearance, as applicable to this proposal.	Agreed	

In views of the above, it is requested to accord the formal approval Stage-II in favour of User Agency.

Yours faithfully,

Executive Engineer, PWD(R&B) Division Billawar

Copy to the:-

- 1. Chief Engineer PW(R&B) Department Jammu for favour of information please.
- 2. Superintending Engineer PWD(R&B) Kathua-Samba Circle Kathua for favour of information please.
- 3. Executive Engineer PWD(R&B) Division Basohli for information pl.
- 4. Assistant Executive Engineer PWD(R&B) Sub Division Mandli for necessary follow-up.



Government of Jammu and Kashmir OFFICE OF THE DEPUTY COMMISSIONER KATHUA

To Whom It May Concern

Subject: Issuance of Forest Right Act (FRA) certificate and minimum demand of forest land certificate for forest land coming under the alignment for construction of road from Bani to Billawar Via Dhaggar, Dhaman and Deri Gala under CRS Phase-I.

In compliance with the Ministry of Environment and Forests (MoEF), Government of India's letter No. 11-9/98-FC (pt) Dated:3rd August 2009 wherein the MoEF issued guidelines on submission of evidences for having initiated and completed the process of settlement of rights under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition) of Forest Rights) Act, 2006 (FRA,) on the forest land proposed to be diverted for non-forest purposes read with MoEF's letter dated:5th February 2013 wherein MoEF issued certain exemption/relaxation in respect of linear projects, it is certified that 1.505 hectares of forest land is proposed to be diverted in favour of **construction of road from Bani to Billawar Via Dhaggar, Dhaman and Deri Gala under CRS Phase-I** -, in District Kathua. Detail of the roads/projects is given below:

S. No.	Name of the road	Stage	Forest land proposed to be diverted for PWD Projects (in Ha.)	Proposal No.
1.	Construction of road from Bani to Billawar Via Dhaggar, Dhaman and Deri Gala under CRS Phase-I	1st	1.505	FP/JK/Road/1215 06/2021

It is further certified that:

(a) The complete process for identification and settlement of rights under the FRA has been carried out for the entire of 1.505 Hectares of forest area proposed for diversion. As per MoEF letter No. F.No. 11-9/98-FC (pt), Dated: 5th Feb. 2013 for linear projects like construction of roads, there is no requirement of resolution (meeting/consent) of Gram Sabha of that area for forest land, use of which is proposed to be diverted. Hence, no such records of all consultations and meetings of the Forest Right Committee(s) Gram Sabha(s), Sub-Division Level Committee(s) and the District Level Committee are enclosed.

- (b) Additional Deputy Commissioner, Billawar vide office letter No. ADC/BIr/2023-24/2400-05 dated 14-09-2023 has reported that there is no pendency of any FRA claim in the Panchayat village Marhoon and Malad falling in the said project area.
- (c) Sub Divisional Magistrate, Bani vide office letter No. SDM/B/2023-24/407 dated 02-11-2023 has reported that no FRA claim is pending in Panchayat Dhaggar and Dhaman of Block Duggan Tehsil Bani.

Hence, Forest Rights Act certificate is issued for forest land measuring 1.505 Ha. required for Construction of road from Bani to Billawar Via Dhaggar, Dhaman and Deri Gala under CRS Phase-I, in District Kathua.

No.: DCK/SQ/2023-24/2816 Dated: 14 -11-2023

(Rakesh Minhas) IAS Deputy Commissioner Kathua

Copy to the:

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 Executive Engineer PWD (R&B) Division Kathua for favour of information. This is reference to your office letter No. 2973-75 dated 28-06-2023. Office of the Executive Engineer PWD (R&B) Division Billawar Email-xenpwdbillawar@gmail.com

UNDERTAKING

UNQUALIFIED COMMITMENT FROM THE PROJECT OFFICIAL TO BEAR THE COST OF NET PRESENT VALUE

It is to state that the PWD(R&B) Division Billawar, UT of J&K is the Project Authority hereby agree to defray the cost of Net Present Value (NPV) as per rules in force or as would be communicated by the Department of Forest, Environment and Wild Life Management. Government of Jammu & Kashmir for the diversion of 1.505 Ha forest land for non forest use in the "Construction of road from Bani to Billawar via Dhaggar, Dhaman and Deri Gala under CRF Phase-I" Under PWD (R&B) Division Basohli (Now PWD(R&B) Division Billawar) District Kathua, UT of J&K reg.

PWD (R&B) Division Billawar UT of J&K here by gives an additional undertaking that in case of any upward revision of rates of NPV (as per report of the Expert Committee constituted by the Supreme Court). The PWD(R&B) Division Billawar UT of J&K. will pay the amount of differential NPV.

ve Engineer, 3) Division

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UNDERTAKING

UNQUALIFIED COMMITMENT FROM THE PROJECT OFFICIAL AS PER THE TERMS AND CONDITIONS OF IN. PRINCIPLE APPROVAL ACCORDED BY FOREST ENVIRONMENT AND ECOLOGY DEPARTMENT UT OF JAMMU & KASHMIR.

It is to state that the PWD(R&B) Division Billawar, UT of J&K, who is the Project Authority for the diversion of 1.505 Ha forest land for non- forest use in the "Construction of road from Bani to Billawar via Dhaggar, Dhaman and Deri Gala under CRF Phase-I" Under PWD (R&B) Division Basohli (Now PWD(R&B) Division Billawar) District Kathua, UT of J&K reg. hereby agree on the below mentioned points as per the terms and conditions of Forest, Environment and Ecology Department, Government of Jammu and Kashmir. The points are:-

- 1. Efforts should be made to fell minimum number of trees, if applicable.
- 2. The KML files of the area to be diverted, area accepted for raising CA, proposed SMC works, 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 State-II approval, as the case may be.
- 3. The layout plan of the proposal shall not be changed without prior approval of Central Government.
- 4. The forest land shall not be used for nay purpose other than that specified in the project proposal.
- 5. The Forest land proposed to be diverted shall under no circumstances be transferred to any other agencies, department or person without prior approval of the Ministry of Environment, Forest and Climate Change.
- 6. No labour camp shall be established on the forest land.
- 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.
- 8. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the direction of the concerned Divisional Forest Officer.
- 9. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- 10. The user agency shall pay additional amount of NPV as and when increased by the orders of the Hon'ble Supreme Court.
- 11. The user agency shall obtain Environment Clearance as per the provision of the Environmental (Protection) Act, 1989, if applicable.
- 12. The User Agency shall ensure compliance of all the Court orders, provisions, rules, regulations and guidelines for the time being in force as appliable to the project.
- 13. The User Agency shall raise strip plantation on both sides and central verge of the road as per IRC norms.
- 14. Speed regulating signage will be erected along the road at regular intervals in the Forest areas.
- 15. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per law as per the MoEF&CC Guidelines F. No. 11-42/2017-FC Dt:29.01.2018.

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16. 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.

Executive Engineer PWD(R&B) Division war