

File No. FST-Land0FC/1045/2023-02-Forest Department
Government of Jammu and Kashmir,
Forests, Ecology & Environment Department
Civil Secretariat, J&K Jammu

The Principal Chief Conservator of Forests,
J&K Forest Department,
Van Bhavan, Jammu.

No. FST-Land0FC/1045/2023-02

Dated:-01.08.2023

Subject: Use of 0.3846 Ha of forest land for construction of road from Middle School Nadyala to Rachwa Mandir Gali in Nowshera Forest Division.

Ref: Online Proposal No. FP/JK/Road/156649/2023

Sir,


Please refer to the case of use of 0.3846 Ha of forest land for construction of road from Middle School Nadyala to Rachwa Mandir Gali in Nowshera Forest Division as per online proposal referred above.

2. I am directed to convey *in-principle* approval for the proposal with the following particulars and subject to the fulfilment of following terms and conditions appearing hereinafter:-

1.	User Agency/Applicant	Public Works (R&B) Department
2.	Compartment No.	136/N
3	Species-wise local/scientific names and girth-wise enumeration of trees: NIL	
4.	Compensatory Afforestation (CA): Compensatory Afforestation (CA) will be carried out on degraded forest land in 0.80 Ha in compartment No. 136/N (Nadyala), at the cost of user agency as per approved CA scheme amounting to Rs 3,38,765/-	
5.	Summary of Amount to be deposited by the User Agency: 1. Compensatory Afforestation = Rs 3,38,765/- 2. Net Present Value = Rs. 4,97,230/-	



Terms and Conditions:-

- (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 CA scheme may be realized from the user agency. The CA will be maintained for 10 years.
 - 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 by the UT Government from the User Agency. The User Agency shall furnish an undertaking to this effect.
 - iv) User agency shall deposit/transfer all the funds (Cost of CA, NPV etc) to CAMPA fund of the Ministry of Environment, Forest and climate change through e-portal (<https://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/ other, as applicable);
 - vii) The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the District Collector;
 - viii) Divisional Forest Officer shall furnish undertaking that the approved CA sites will not be changed without the approval of the Competent Authority.
 - ix) CEO CAMPA shall furnish undertaking that the funds under State CAMPA will be released to Divisional Forest Officer as per approved CA scheme.
 - x) The complete compliance shall be uploaded on e-portal (<https://parivesh.nic.in>).
- (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 will remain unchanged.
 - ii) Efforts should be made to fell minimum number of trees. The trees shall be felled under the strict supervision of the UT Forest Department and the cost of felling of trees shall be deposited by the User Agency with UT Forest Department/J&K FDC as applicable.
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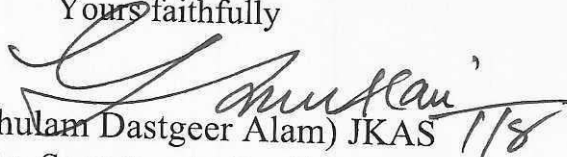
- iii) The KML files of the area to be diverted, area accepted for raising CA, proposed SMC works, the proposed Catchment Area Treatment area and the WLMP area shall be uploaded on the e-Green watch portal with all requisite details before issuing working permission towards linear projects or submitting compliance report for seeking Stage-II approval, as the case may be.
- iv) Compensatory afforestation will be carried out over Degraded Forest land (DFL) upon 0.80 ha of land in compartment 136/N (Nadyala), in Nowshera Forest Division as per proposed CA scheme. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
- v) The layout plan of the proposal shall not be changed without prior approval of Central Government;
- vi) The user agency shall carry out disposal at pre-designated sites as per the approved scheme.
- vii) The forest land shall not be used for any purpose other than that specified in the project proposal;
- viii) 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.
- ix) No labour camp shall be established on the forest land;
- x) Sufficient firewood, preferably the alternate fuel, shall be provided by the User Agency to the labourer after purchasing the same from the UT Forest Department or the Forest Development Corporation or any other legal source of alternate fuel;
- xi) The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.
- xii) No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
- xiii) The user agency shall pay additional amount of NPV as and when increased by the orders of the Hon'ble Supreme Court.
- xiv) The User Agency shall ensure compliance of all the Court orders, provisions, rules, regulations and guidelines for the time being in force as applicable to the project.
- xv) The User Agency shall raise strip plantation on both sides and central verge of the road as per IRC norms.
- xvi) Speed regulating signage will be erected along the road at regular intervals in the Forest areas.
- xvii) Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as per law.
- xviii) 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 followed by sanction order. The use of forest land will not be allowed till final approval is accorded.

Yours faithfully


(Ghulam Dastgeer Alam) JKAS 1/8
Deputy Secretary to the Government

Copy for information to the:

1. APCCF/Chief Conservator of Forests, Jammu.
2. APCCF/Chief Conservator of Forests/Nodal Officer J&K (FCA) (ccffcajk1@gmail.com).
3. Chief Engineer Public Works (R&B) Department Jammu
4. Private Secretary to Principal Secretary to Government, PW(R&B) Department , J&K.