

Government of India
Ministry of Environment, Forest and Climate Change
(Forest Conservation Division)

Indira Paryavaran Bhawan
Aliganj, Jor bagh Road
New Delhi- 110003
Dated:10-07-2025

To

The Special Secretary (Technical),
Department of Forests, Ecology and Environment,
Government of Jammu & Kashmir,
Jammu.

Subject: Proposal for seeking prior approval of the Central Government under Section 2 (i) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of National Hydroelectric Power Corporation (NHPC) Ltd. for non-forestry use of 847.17 ha. of Reserved Forest and Jungle-jhari land for construction of Sawalkot HEP (1856 MW) within the jurisdiction of Udhampur, Mahore, Batote and Ramban Forest Divisions, Districts-Udhampur, Reasi and Ramban, Jammu & Kashmir (Online proposal No. FP/JK/HYD/150591/2021)- regarding.

Madam/Sir,

I am directed to refer to Government of Jammu & Kashmir vide letter No. FST-Land0FC/48/2024-02-Forest Department dated 03.12.2024 on the above mentioned subject, seeking prior approval of Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980, and to say that the said proposal has been examined by the Advisory Committee (AC) constituted by the Central Government under Section- 3 of the aforesaid Adhiniyam.

2. After careful consideration of the proposal of the Government of Jammu & Kashmir and on the basis of the recommendations of the Advisory Committee (AC) and approval of the competent authority, the Central Government hereby agrees to accord **Stage-I / In-principle** approval under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 for non-forestry use of 847.17 ha. of Reserved Forest and Jungle-jhari land in favour of National Hydroelectric Power Corporation (NHPC) Ltd. for construction of Sawalkot HEP (1856 MW) within the jurisdiction of Udhampur, Mahore, Batote and Ramban Forest Divisions, Districts-Udhampur, Reasi and Ramban, Jammu & Kashmir subject to the following conditions:-

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. The Compensatory afforestation over degraded forest land double in extant to the forest land being diverted in Udhampur Forest Division (468.55 ha), Mahore Forest Division (79.2 ha), Batote Forest Division (735 ha) and

- Ramban Forest Division (833.128 ha), shall be raised by the UT Forest Department at the project cost within two years from the date of grant of Stage- II approval;
- iii. The cost of compensatory afforestation at the prevailing wage rates as per compensatory afforestation scheme and the cost of survey, demarcation and erection of permanent pillars if required on the CA land shall be deposited through online e-portal into the CAMPA account in advance with the Forest Department by the project authority. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
 - iv. The land identified for the purpose of CA shall be clearly depicted on a Survey of India toposheet of 1:50,000 scale;
 - v. The KML files of diverted area and the CA areas shall be uploaded on the e-Green watch portal with all requisite details prior to final approval;
 - vi. The UT Government shall charge the Net Present Value (NPV) of the forest land being diverted under this proposal from the User Agency as per the orders of the Hon'ble Supreme Court of India dated 28.03.2008, 24.04.2008 and 09.05.2008 in Writ Petition (Civil) No. 202/1995 and the guidelines issued by this Ministry vide its letter No. 5-3/2007-FC (pt.) dated 29.12.2023 in this regard;
 - vii. At the time of payment of the Net Present Value (NPV) at the present rate, the User Agency shall furnish an undertaking to pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
 - viii. The Compensatory levies to be realized from the User Agency under the project shall be transferred/ deposited, through e-challan, into the account of National Authority, CAMPA pertaining to the UT concerned through e-portal (<https://parivesh.nic.in/>);
 - ix. The UT Government shall complete settlement of rights, in term of the Scheduled Tribes and Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, if any, on the forest land to be diverted as per the sub-rule (7) of Rule 11 of the Van (Sanrakshan Evam Samvardhan) Rules, 2023;
 - x. The complete compliance report shall be uploaded on e-portal (<https://parivesh.nic.in/>);
 - xi. ***The UT Government shall provide a copy of approvals obtained pertaining to Dam safety, as applicable, along with Stage- I compliance report;***
 - xii. ***The UT Government shall provide Environmental Clearance for the project along with Stage- I compliance report;***
 - xiii. ***The UT Government shall provide a copy of approved mining plan for quarry site of 12.001 Ha along with Stage- I compliance report;***
 - xiv. ***The UT Government shall provide a soil and moisture conservation plan for the area proposed for diversion along with Stage- I compliance report;***
 - xv. ***DPR appraisal was revalidated till 17.04.2024. The UT Government shall provide a Revalidated DPR appraisal along with Stage- I compliance report;***

- xvi. ***The UT Government shall provide comments on the legal status of road connectivity of magazine explosive sites with the main road and its diversion, if any;***
- xvii. ***The UT Government shall change the CA site of 14.826 Ha since it overlaps with muck dumping site;***
- xviii. ***The UT Government shall provide the corrected suitability certificate and CA scheme for 71 Ha CA site in compliance with point no.10 of EDS raised by the Ministry;***
- xix. ***The UT Government shall provide revised KML of CA sites for 2115.878 Ha;***
- xx. The UT Government shall ensure that the felling of trees shall be restricted to FRL-4 meter only and felling of trees shall be carried out by the UT Forest Department. Number of trees to be removed shall be kept at barest minimum during the execution of the project;
- xxi. The approved Catchment Area Treatment Plan (CAT) shall be submitted alongwith the compliance report of the conditions of the 'in-principle' approval and the cost of the said plan shall be deposited through online e-portal into the CAMPA account of the UT concerned;
- xxii. User agency shall provide free water for forestry related activities/ projects;
- xxiii. No labour camp shall be established on the forest land and the User Agency shall provide fuels preferably alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas;
- xxiv. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
- xxv. The boundary of the diverted forest land shall be demarcated on ground at the project cost, by erecting four feet high reinforced cement concrete pillars, each inscribed with its serial number, distance from pillar to pillar and GPS coordinates;
- xxvi. 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;
- xxvii. The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- xxviii. The forest land shall not be used for any purpose other than that specified in the project proposal;
- xxix. The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department or person without prior approval of the Central Government;
- xxx. No damage to the flora, fauna or the environment of the adjoining area shall be caused; Adequate measures to ensure no damage to the adjoining areas should be taken by the User Agency at the project cost;
- xxxi. The concerned Divisional Forest Officer, will monitor and take necessary mitigative measures to ensure that there is no adverse impact on the forests in the surrounding area;
- xxxii. The User Agency shall submit the annual self-compliance report in respect of the above stated conditions to the UT Government, concerned Regional

- Office and to this Ministry by the end of March every year regularly;
- xxxiii. 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 shall be carried out by the UT Government and User Agency;
- xxxiv. The User Agency shall comply all the provisions of the all Acts, Rules, Regulations, Guidelines, Hon'ble Court Order (s) and NGT Order (s) pertaining to this project, if any, for the time being in force, as applicable to the project; and
- xxxv. Violation of any of these conditions will amount to violation of Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and action would be taken as prescribed in para 1.16 of Chapter 1 of consolidated guidelines and clarifications issued under Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 and Van (Sanrakshan Evam Samvardhan) Rules, 2023 issued on 29.12.2023.

3. After receipt of compliance report on fulfilment of the conditions mentioned above, the proposal shall be considered for final approval under section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. Transfer of forest land shall not be affected till final approval is granted by the Central Government in this regard.

Yours faithfully,

Sd/-

(S. Sundar)

Assistant Inspector General of Forests

Copy to: -

1. The PCCF & HoFF, Govt. of Jammu & Kashmir, Jammu.
2. The DDGF (C), Regional Office, Chandigarh, MoEF&CC.
3. The APCCF-cum-Nodal Officer, Govt. of Jammu & Kashmir, Jammu.
4. Sub-office, Jammu, MoEF&CC.
5. The Monitoring Cell, MoEF&CC, New Delhi.
6. User Agency.