

Government of Jammu and Kashmir,
Department of Forests, Ecology & Environment
Civil Secretariat, J&K Jammu

Subject: Diversion of 0.651 ha of forest land for construction 160 meter double lane motorable bridge over Nallah Jhajjar on Pantal Jhajjar Road in Reasi Forest Division by PW(R&B) Department Jammu.

Ref: Online Proposal No. FP/JK/DEF/47152/2020

Government Order No:- 97-JK(FST) of 2020
Dated:- 10-10-2020

In terms of guidelines for effective and transparent implementation of the provisions of Forest (Conservation) Act, 1980, issued vide letter no. F.No. 5-2/2017-FC dated 28.03.2019 by the Government of India under Chapter 4 titled **“General Approvals under Section 2(ii) of FCA-Development of Critical Public and Strategic Defence Infrastructure”, under Section 4.3 (Critical development initiatives for the public)**, in-principle approval is hereby accorded for Diversion of 0.651 ha of forest land for construction 160 meter double lane motorable bridge over Nallah Jhajjar on Pantal Jhajjar Road in Reasi Forest Division by PW(R&B) Department Jammu with the following particulars, and subject to the fulfilment of terms and conditions appearing hereinafter:

1.	Proposal No:	FP/JK/Road/47152/2020			
2.	User Agency/Applicant	PW(R&B) Department Jammu			
3.	Location	District : Reasi. Division : Reasi Forest Division. Range : Katra. Compartment : 93/K.			
4.	Objective	To provide connectivity to Shri Mata Vaishno Devi University/SMVD Narayana Super-speciality Hospital, Kakryal, and to Katra-the Base Camp for Yatra to holy shrine of Shri Mata Vaishno Devi Ji.			
5.	Description of the Projects:				
	Forest Division	Location	Length in (m)	Width in (m)	Forest area (Ha)
	Reasi	Approach Road	122	20	0.244
		Bridge	Total length 189 m (Length under forest 89 Mtr)	12	0.107
		Muck dumping			0.30
	Total				0.651
6.	Number of Trees/poles/Saplings involved: Nil.				

7.	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
8.	Summary of Amount to be deposited by the user Agency: 1. Compensatory Afforestation = Rs. 4,23,000/- 2. Net present Value (Eco Class-V) = Rs. 4,27,707/- Total = Rs. 8,50,707/-		

Terms and conditions:-

1. Legal status of the forest land shall remain unchanged.
2. Compensatory afforestation shall be taken up by the Forest Department over 1.302 ha degraded forest land (Compartment No. 93/k) at the cost of the user agency. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided.
3. NPV:
 - a) The State Government shall charge the Net Present Value(NPV) for the 0.651 ha forest area to be diverted under this proposal from the User Agency as per the 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 letters No. 5-1/1998-FC (Pt.II) dated 18/09/2003, as well as letter No. 5-2/2006FC dated 03/10/2006 and 5-3/2007-FC dated 05/02/2009 in this regard.
 - b) 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 State Government from the User Agency. The User Agency shall furnish an undertaking to this effect.
4. All the funds received from the user agency under the project shall be transferred/ deposited to CAMPA fund only through e-portal (<https://parivesh.nic.in/>).
5. The complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
6. User agency shall raise strip plantation on both sides of the road as per the IRC norms.
7. Speed regulating signage will be erected along the road at regular intervals in the Protected Areas/ Forest Areas.
8. User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
9. The layout plan of the proposal shall not be changed without prior approval of Central Government.
10. No labour camp shall be established on the forest land.
11. 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.
12. 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.
13. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
14. The forest land shall not be used for any purpose other than that specified in the project proposal.
15. 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.
16. 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 F. No. 1142/2017-FC dt. 29/01/2018.
17. 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.

18. Permission accorded by the government shall be subject to the monitoring by the concerned Regional Office of the MoEFF& CC and by Monitoring Committee of the Forest Department, UT of J&K.
19. The User Agency and /or its contractors will not bring any forest area under their use, other than the actual area/activity approved by the Government for the instant proposal. Any laxity or deviation on this account by the User Agency or its contractors will attract penal provisions of the relevant Acts/legal provisions.
20. (i) The extraction of the trees/poles/saplings shall be done by the State Forest Corporation/Divisional Forest Officer concerned on the basis of markings administratively approved by the Chief Conservator of Forests, Kashmir/Jammu. The marking for tree felling will be done in consultation with the user agency and effort shall be made to save maximum number of trees/poles/saplings. The cost of extraction shall be paid by the user agency directly to the agency executing the extraction.
(ii) The fundamental rule for marking of trees, enumerated during processing of the proposals, will be to save maximum number of trees without compromising with the construction and maintenance of the approved project structure and no trees/poles/saplings will be felled/cut/pruned/lopped for purposes/project activities other than those approved/sanctioned.
21. 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 construction.
22. 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.
23. 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.
24. The user agency shall ensure that mulba to be excavated with the construction of proposed road shall be dumped either at identified places within the forest land or shall arrange the dumping of mulba outside the forest area
25. The compliance report shall be uploaded on e-portal (<https://parivesh.nic.in>).
26. The use of forest land will not be allowed till final approval is accorded.

By order of the Government of Jammu and Kashmir.

Sd/-

(Shaleen Kabra) IAS

Principal Secretary to Government,
Department of Forest, Ecology & Environment

No. FST/Land/Parivesh/14/2020

Date 10-10-2020

Copy to the:

1. Secretary to Government of India, MoEF&CC, New Delhi.
2. Pr. Chief Conservator of Forests (HOFF), J&K.
3. Commissioner/Secretary to Government, PW (R&B) Department.
4. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
5. Nodal Officer J&K/Addl. PCCF, FCA, O/o Pr. CCF J&K.
6. Chief Conservator of Forests, Jammu.
7. Chief Engineer PW(R&B) Department, Jammu.
8. Special Secretary (Technical), Department of Forests, Ecology and Environment.
9. Pvt. Secretary to Chief Secretary J&K.
10. Pvt. Secretary to Commissioner/Secretary, Department of Forests, Ecology & Environment. J&K.
11. Govt. Order File (w.2.s.c)/Stock file.

(Vivek Phonsa) KAS

Deputy Secretary to Government
Department of Forest, Ecology & Environment