

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/land/Parivesh/33/2021

Dated:- 25.03.2021

Subject: Diversion of 0.27 Ha forest land for construction and maintenance of road from T02 Boniyar to Maidanan Stage-U by PMGSY in J.V Forest Division Baramulla

Ref: Online Proposal No. FP/JK/Road/69388/2020.

Sir,

Please refer to the case of diversion of 0.27 Ha forest land for construction and maintenance of road from T02 Boniyar to Maidanan in J.V Forest Division Baramulla as per online proposal referred above.

2. I am directed to convey in-principle approval for construction and maintenance of road from T02 Boniyar to Maidanan in J.V Forest Division Baramulla subject to the fulfilment of following 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 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 MoEF&CC directions issued vide letters No. 5-3/2007-FC dated 5th February 2009 and Hon'ble Supreme Court of India's Order dated 30th October 2002, 28th March, 2008, 24th April, 2008 and 9th May 2008;
 - iii) 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;
 - iv) 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;
 - v) Original copy of FRA certificate to be submitted;
 - vi) Divisional Forest Office shall furnish undertaking that the approved CA sites will not be changed without the approval of the Competent Authority.
 - vii) 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.
 - viii) 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 over 0.54 ha on degraded forest land as per the CA scheme and the funds will be provided by the user agency. The plantation 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;
- 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) 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,
Forest, Ecology & Environment Department

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. Nodal Officer J&K/Addl. PCCF,FCA, O/o Pr. CCF J&K.
4. Chief Conservator of Forests, Kashmir
5. Private Secretary to Commissioner/Secretary to Government Forest, Ecology & Environment Department J&K.
6. Private secretary to Chief Secretary