

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

Indira Paryavaran Bhawan,
Jorbagh Road, Aliganj,
New Delhi – 110003

Dated: the 27th January, 2021

To,

The Commissioner/ Secretary (Forests),
Department of Forest, Environment & Ecology,
Jammu & Kashmi Administration
Civil Secretariat Jammu

Sub: Proposal for seeking prior approval of the Central Government under Section 2 of the Forest (Conservation) Act, 1980 for non- forest use of 13.24 ha of forest land for construction of Shahpurkandi Dam Division-II Punjab, Shahpurkandi Township, under forest division and District Kathua, Jammu & Kashmir (online proposal No. FP/JK/HYD/51783/2020) Reg.

Sir,

I am directed to refer to the UT Administration J&K online proposal No. **FP/JK/HYD/51783/2020 dated 13.11.2020** on the above mentioned subject, seeking prior approval of Central Government under Section-2 of the Forest (Conservation) Act, 1980, and to say that the said proposal has been examined by the Forest Advisory Committee (FAC) constituted by the Central Government under Section-3 of the aforesaid Act.

2. After careful consideration of the proposal of the UT Administration J&K and on the basis of the recommendations of the Forest Advisory Committee, the Central Government hereby **accords Stage-I / In-principle** approval under Section-2 of the Forest (Conservation) Act, 1980 for non-forest use of 13.24 ha of forest land for construction of Shahpurkandi Dam Division-II Punjab, Shahpurkandi Township, under forest division and District Kathua, Jammu & Kashmir, subject to the following conditions:

A: Conditions which need to be complied prior to handing over of forest land by the State Forest Department and compliance is to be submitted prior to Stage-II approval:

- i. The User Agency shall transfer online, the Net Present Value (NPV) of the forest land being diverted under this proposal, 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 dated 05.02.2009. The requisite funds shall be transferred through online portal

- into Ad-hoc CAMPA account of the State Concerned;
- ii. The User Agency shall transfer the cost of raising and maintaining the compensatory afforestation at the current wage rate in consultation with State Forest Department in the account of CAMPA of the concerned State through online portal. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
 - iii. The cost of felling of trees shall be deposited by the User Agency with the State Forest Department;
 - iv. The land identified for the purpose of CA shall be clearly depicted on a Survey of India topo sheet of 1:50,000 scale;
 - v. The non-forest land proposed for CA shall be transferred and mutated in the name of Forest Department and notified as RF/PF prior to Stage-II approval. A copy of the original notification declaring the non-forest land under Section 4 or Section 29 of the Indian Forest Act, 1927, or under the relevant section of the State Forest Act as the case may be, will be submitted by the State Government prior to Stage-II approval;
 - vi. **The R&R plan shall ensure that there is no adverse impact on forests due to the project affected persons. A copy of the R&R plan shall be submitted, and the same shall be monitored by the UT Administration in the above regard. In this regard the R&R plan shall also take full advantage of the Integrated Farming Scheme for Rainfed Area and National Bamboo Mission of the Ministry of Agriculture and Farmers' Welfare so that more employment opportunities could be created in the farm sector and there is no increase in biotic pressure on the adjoining forests due to project affected people;**
 - vii. **The UT Administration shall prepare a Catchment Treatment Plan (CAT) which will be implemented at the cost of the user agency; State Government shall obtain necessary wild life clearance before starting work on the project;**
 - viii. All the funds received from the user agency under the project shall be transferred/deposited in CAMPA account only through e-portal (<https://parivesh.nic.in/>). Amount deposited through other mode will not be accepted as compliance of the Stage-I clearance;
 - ix. The complete compliance report of each and every condition laid down in this approval shall be uploaded on e-portal (parivesh.nic.in).
 - x. The complete compliance of the FRA, 2006 shall be ensured.
 - xi. Violation of any of these conditions will amount to violation of Forest (Conservation) Act, 1980 and action would be taken as prescribed in para 1.21 of Chapter 1 of the Handbook of comprehensive guidelines of Forest (Conservation) Act, 1980 as issued by this Ministry's letter No. 5-2/2017-FC dated 28.03.2019;

B: Conditions which need to be complied on field after handing over of forest land to the user agency by the State Forest Department but the compliance in form of undertaking shall be submitted prior to Stage-II approval:

- i. Legal status of the diverted forest land shall remain unchanged;
- ii. The felling of trees shall be restricted to FRL-4 meter only and felling of trees shall be carried out by the State Forest Department. Number of trees to be removed shall be kept at barest minimum during the execution of the project;
- iii. Forest land will be handed over only after required non-forest land for the project is handed over to the user agency;
- iv. The CA will be maintained for 10 years. The scheme may include appropriate provision for anticipated cost increase for works scheduled for subsequent years;
- v. Compensatory afforestation shall be taken up by the Forest Department on equivalent non-forest land i.e. 13.24 ha (at villages in Billawar Forest Division) at the cost of the User Agency. A mixture of indigenous species will be planted and monoculture has to be avoided.
- vi. The Catchment Area Treatment Plan (CAT) shall be implemented as per approved scheme;
- vii. User agency shall undertake afforestation along the periphery of the reservoir;
- viii. At the time of payment of the Net Present Value (NPV) at the then prevailing 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;
- ix. 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;
- x. The User Agency shall obtain the Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- xi. No labour camp shall be established on the forest land;
- xii. 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;
- xiii. 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.
- xiv. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
- xv. 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;
- xvi. The forest land shall not be used for any purpose other than that specified in the project proposal;
- xvii. No damage to the flora and fauna of the adjoining area shall be cause;

- xviii. The layout plan of the proposal shall not be changed without the prior approval of the Central Government;
- xix. 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;
- xx. User agency shall provide free water for forestry related activities/ projects.
- xxi. The User Agency shall submit the annual self-compliance report in respect of the above stated conditions to the State Government, concerned Regional Office and to this Ministry by the end of March every year regularly;
- xxii. 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.

After receipt of the report on compliance to the conditions stipulated in the paragraph-2 above, from the UT Administration of J&K final / stage-II approval for diversion of the said forest under Section-2 of the Forest (Conservation) Act, 1980 will be issued by this Ministry. Transfer of the said forest land to the user agency shall not be effected by the UT Administration J&K till final/stage-II approval for its diversion is issued by this Ministry.

Yours Sincerely,

Sd/-

(Sandeep Sharma)

Assistant Inspector General of Forests

Copy to:

1. The Principal Chief Conservator of Forests (HoFF), UT Administration J&K, Department of Forest, Environment & Ecology, Jammu.
2. The Regional Officer, Integrated Regional Office, MoEF&CC, Jammu.
3. The Nodal Officer, (FCA), UT Administration J&K, Department of Forest, Environment & Ecology, Jammu.
4. User Agency.
5. Monitoring Cell, FC Division, MoEF & CC, New Delhi, for uploading.