



File No: 9-JKA-029/2022-Jammu

October, 2022

To

The Commissioner Secretary,
Department of Forest, Ecology & Environment,
UT of Jammu & Kashmir,
Civil Secretariat,
Jammu & Kashmir
(csforestjk@gmail.com)

Sub: **Diversion of 0.4 ha of forest land for Construction of road from Limber to Babagail, District Baramulla, UT of Jammu & Kashmir (Online proposal no. FP/JK/ROAD/140949/2021)-regarding.**

Ref: i) UT Admin of J&K online proposal received on 02.06.2022
ii) Nodal Officer J&K letter no. PCCF/FCA/3355/4930-31 dated 20.10.2022

Sir,

Please refer to the above cited subject and letters seeking prior approval of the Central government for the diversion of **0.4 ha** of Forest land for non-forestry purpose in accordance with section 2 of the Forest (Conservation) Act, 1980.

2. After careful examination of the proposal of the UT Administration of J&K, *in-principle* approval is hereby being conveyed for the diversion **0.4 ha** of Forest land in North Wildlife Division in favour of **Chief Engineer, PMGSY, Kashmir for Construction of road from Limber to Babagail, District Baramulla, UT of Jammu & Kashmir (Online proposal no. FP/JK/ROAD/140949/2021)** UT of Jammu and Kashmir, subject to the following conditions:

(A). Conditions which need to be complied prior to handing over of forest land by the UT Forest Department to the Chief Engineer, PMGSY, Kashmir (User Agency):

- i. Legal status of the forest land will remain unchanged.
- ii. Cost of compensatory afforestation (CA) as per CA scheme may be realized from User Agency. The CA will be maintained for 10 years.
- iii. The State Government shall charge the Net Present Value (NPV) of the forest land being diverted for non-forestry purpose 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 letter No. 5-3/2011-FC (Vol-I) dated 6th January, 2022 in this regard.
- 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 complete compliance of the FRA, 2006 shall be ensured by way of prescribed certificate from the concerned District Collector.
- vii. Divisional Forest Officer shall furnish undertaking that the approved CA site(s) will not be changed without the approval of competent authority.
- viii. CEO State CAMPA shall furnish undertaking that the funds under state/UT CAMPA will be released to Divisional Forest Officer as per approved CA scheme.
- ix. 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 State Forest Department but the compliance in form of undertaking shall be submitted prior to Stage-II approval:

- i. No trees shall be felled in this proposal.
- ii. The UT Govt shall upload the KML files of the degraded forest area accepted for raising compensatory afforestation as well as the forest area proposed for diversion in the extant proposal in the E-Green watch portal of the Forest Survey of India.
- iii. Compensatory afforestation will be carried out over Degraded Forest land (DFL) upon **0.80 ha** of land in Thatmulla Kallan Forest, Comp. No. 21/Khadinyar, Range-Buniyar, District-Baramulla as per proposed CA scheme, at a cost of **₹ 6,57,671/-** (Six lakh fifty-seven thousand six hundred seventy-one only) provided by the user agency.
- iv. The layout plan of the proposal shall not be changed without prior approval of Central Government.
- v. The forest land shall not be used for any purpose other than that specified in the project proposal.
- vi. The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department, or person without approval of the Ministry of Environment, Forest and Climate Change.
- vii. No labour camp shall be established on the forest land.
- viii. Sufficient firewood, preferably by 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.
- ix. 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.
- x. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work.
- xi. The User Agency shall pay additional amount of NPV as and when increased by the orders of Hon'ble Supreme Court.
- xii. The User agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, if applicable.
- xiii. No muck shall be dumped in the forest land in context of the undertaking given by User Agency.

- xiv. The User Agency shall raise strip plantation on both sides and central verge of the road as per IRC norms.
- xv. The User Agency and the State Government shall ensure to comply with all the conditions imposed by the Standing Committee of the National Board of Wildlife, while recommending the project.
- 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 provision under 1.21 of the Handbook of Forest (conservation) Act, 1980 and Forest Conservation Rules, 2003 (Guideline & Clarification), 2019, MoEF&CC.
- xviii. Any other condition that the Ministry of Environment, Forest and Climate Change may stipulate from time to time in the interest of conservation, protection and development of forests and wildlife.
- xix. The Ministry of Environment, Forest and Climate Change may revoke/suspend the clearance, if implementation of any of the above conditions is not satisfactory. The State government will ensure compliance of these conditions through Forest Department.
3. After receipt of the compliance report on fulfilment 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,

Sd/-
(Raja Ram Singh)
DIGF (Central)
Regional Officer
IRO, Jammu

Copy to:

1. The IGF (FC), Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jor Bagh, Aliganj, New Delhi (ramesh.pandey@nic.in).
2. The Pr. Chief Conservator of Forests (HoFF), U.T. of Jammu & Kashmir, Forest Complex, Sheikh Bagh, Near Lal Chowk, Srinagar, UT of Jammu & Kashmir (pccfjkforest@gmail.com)
3. The Nodal Officer (FCA), U.T. of Jammu & Kashmir, Van Bhawan, near Gummat, Jammu, UT of Jammu Kashmir (ccffcajkl@gmail.com).
4. The CEO, CAMPA O/o PCCF (HoFF), U.T. of Jammu & Kashmir, Forest Complex, Sheikh Bagh, Near Lal Chowk, Srinagar (jkcampacell@gmail.com).
5. The Divisional Forest Officer, North Wildlife Division, Sopore, District Baramulla, UT of Jammu & Kashmir(wlwnorth786@gmail.com)
6. Chief Engineer, PMGSY, Kashmir, District Srinagar, UT of Jammu & Kashmir (cepmsgsykashmir@gmail.com).