

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

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Indira Paryavaran Bhawan,  
Jor Bagh Road, Aliganj,  
New Delhi- 110003  
**Dated:14-08-2024**

To

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

**Subject: Proposal for seeking prior approval of the Central Government under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of Executive Engineer, Shahpurkandi Dam Division No.II Project Shahpurkandi Township for non-forestry use of 13.24 ha. of forest land for construction of Shahpurkandi Dam Division-II Punjab, Shapurkandi Township under forest division and District Kathua, Jammu & Kashmir (online proposal No. FP/JK/HYD/51783/2020)- regarding.**

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 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980. After careful consideration of the proposal by the Advisory Committee (AC) constituted by the Central Government under Section- 3 of the said Act, **'in-principle'/Stage-I** approval to the proposal was granted vide this Ministry's letter of even number dated 27.01.2021 subject to fulfillment of certain conditions prescribed therein. The State Government has furnished compliance report in respect of the conditions stipulated in the in-principle approval and has requested the Central Government to grant final approval.

2. In this connection, I am directed to say that on the basis of the compliance report furnished by the UT Administration J&K vide their letter No. FST-Land0FC/48/2022(225907) dated 24.04.2024 and letter dated 09.07.2024, **final approval (Stage- II)** of the Central Government is hereby granted under Section 2 (1) (ii) of the Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 in favour of Executive Engineer Shahpurkandi Dam Division No.II Project Shahpurkandi Township for non-forestry use of 13.24 ha. of forest land for construction of Shahpurkandi Dam Division-II Punjab, Shapurkandi Township under forest division and District Kathua, Jammu & Kashmir, subject to fulfillment of following conditions:

- i. Legal status of the forest land shall remain unchanged;
- ii. The State Government shall ensure that Compensatory Afforestation over non-forest land i.e. 13.24 ha. (at Village- Najote, Tehsil- Lohai-Malhar,

District- Kathua, declared as Reserve Forest vide Jammu & Kashmir Government Notification S.O.190 dated 20.03.2024) in lieu of the area proposed for Shahpurkandi Township. The Afforestation shall be initiated within two years from the date of issue of Stage– II approval and maintained thereafter as per approved plan by the State Forest Department at the cost of the User Agency as per various notifications submitted by the State Government. As far as possible, a mixture of local indigenous species shall be planted and monoculture of any species may be avoided with provision for ten years of subsequent maintenance;

- iii. The land identified for the purpose of CA shall be clearly depicted on a Survey of India topo sheet of 1:50,000 scale;
- iv. State Government and User Agency shall ensure that the CA areas are free of encroachment and encumbrances before handing of forest land to the User Agency;
- v. The State Government shall ensure that felling of trees is 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;
- vi. The State Government shall ensure that R&R plan is implemented as per approved plan;
- vii. The State Government shall ensure that Catchment Area Treatment (CAT) is carried out as per approved CAT Plan;
- viii. The State Govt. shall ensure complete compliance on FRA, 2006;
- ix. The State Govt. shall ensure that the boundary of the diverted forest land, shall be suitably 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 co-ordinates;
- x. The User Agency shall obtain Environment Clearance as per the provisions of the Environmental (Protection) Act, 1986, if required;
- xi. The State Govt. shall ensure the User Agency will undertake comprehensive soil conservation measures at the project cost in consultation with the State Forest Department;
- xii. User agency shall undertaking afforestation along the periphery of the reservoir;
- xiii. User Agency shall provide free water for forestry related activities/projects
- xiv. The User Agency shall pay the additional amount of NPV, if so determined, as per the final decision of the Hon'ble Supreme Court of India;
- xv. The layout plan of the proposal shall not be changed without prior approval of Central Government;
- xvi. No labour camps shall be established on forest land;
- xvii. 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;
- xviii. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work;
  - xix. 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;
  - xx. No damage to the flora and fauna of the adjoining area shall be caused;
  - xxi. The forest land shall not be used for any purpose other than that specified in the project proposal;
  - xxii. 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;
  - xxiii. 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;
  - xxiv. The State Govt. shall ensure that the compliance report of this approval is uploaded on e-portal (<https://parivesh.nic.in/>);
  - xxv. 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;
  - xxvi. Any other condition that the concerned Regional Office of this Ministry may stipulate with the approval of competent authority in the interest of conservation, protection and development of forests & wildlife shall be carried with by the State Government and User Agency;
  - xxvii. 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 the Consolidated Guidelines and Clarifications on Van (Sanrakshan Evam Samvardhan) Adhiniyam, 1980 as issued by this Ministry's letter dated 29.12.2023;
  - xxviii. The State Government and User Agency shall ensure compliance to all conditions stipulated in the 'in-principle' approval letter dated 21.08.2023 for which undertakings have been obtained from the user agency and also the provisions of the all the Acts, Rules, Regulations, complete compliance of FRA, 2006 and Guidelines, relevant Hon'ble Court Order (S) and NGT Order (S), if any, or the time being in force, including compliance of the Schedule Tribes and Other Traditional Forest Dwellers (Recognition of Forests Rights) Act, 2006, before handing over the forest land to the user agency; and
  - xxix. 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.

Yours faithfully

**Sd-**

**(S. Sundar)**

Assistant Inspector General of Forests

Copy to: -

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