



UT of Jammu and Kashmir

OFFICE OF THE DIVISIONAL FOREST OFFICER SPECIAL FOREST DIVISION KULGAM

Executive Engineer,
PMGSY, Division Kulgam

No: DFO/Spl/Kul/Ls/ 10-11/PMGSY

Dated: 05/04/2021

Subject:- Diversion of 0.56 Ha of Forest Land for Up-gradation and Maintenance of road L031-Pahloo to Laisoo Road and EDS thereof.

Ref: No. FST/Land/Parivesh/42/2021 Dated: 01-04-2021

Sir,

In context to above captioned subject matter and reference, it is requested to kindly provide the requisite document (undertaking to pay the penalty amount) so that the EDS can be cleared and the case is processed further.

Encls:03 leaves

Yours faith fully

Divisional Forest Officer
Special Forest Division
Kulgam

Copy submitted to the Conservator of Forests Kashmir South Circle Bijbehara for information, please.

Government of Jammu and Kashmir
Forest, Ecology and Environment Department
Civil Secretariat, Jammu

Additional Principal Chief Conservator of Forests,
Nodal Officer (FCA),
J&K Forest Department,
Van Bhawan, Jammu.

No. FST/Land/Parivesh/42/2021

Dated: 01.04.2021

Subject: Diversion of 0.56 Ha forest land for Up-gradation and maintenance of road
L031- Pahloo to Laisoo in Kulgam Forest Division.

Sir,

Kind attention is drawn to online proposal No. FP/JK/Road/74294/2020 regarding the subject cited above. The existing road was constructed by R&B Division Kulgam without obtaining forest clearance. Penalty in terms of Rule 3(B) issued by Assistant Inspector General of Forest, MoEF&CC vide No. 11-42/2017-FC dated 29.01.2018 is proposed to be imposed on the R&B Division Kulgam as per amount calculated by DFO Special Forest Division Kulgam, as per documents uploaded online regarding the case.

In this regard, I am directed to request that the User agency may be directed to submit an Undertaking to pay the penalty amount calculated by DFO Special Forest Division Kulgam before the case is processed further.

Yours faithfully,

(Fayaz Ahmad Qureshi)

Under Secretary to Government
Forest, Ecology & Environment Department

Government of Jammu and Kashmir

Office of the Principal Chief Conservator of Forests J&K, Jammu.

May to Oct Forest Complex, Sheikh Bagh, Lal Chowk Sgr 190001
Ph: 0194-2484939, 2483937, Fax 0194-2455027

Nov. to Apr. Van Bhawan Below Gumat 180001
Ph: 0191-2548397, 2560585, Fax 0191-2547276
URL Address: www.jkforest.com

Copy to:-

1. Conservator of Forests South Circle Bijbehara.
2. Chief Engineer PMGSY Kashmir
3. Divisional Forest Officer Kulgam

PCCF/FCA/3245/122-24

Dt. 5/04/2021

(Sarvesh Rai) IFS
Additional Principal Chief Conservator of Forests,
Nodal Officer (FCA)

Revised Detailed Report on Violation of the Forest Conservation Act,
1980.

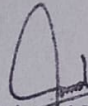
As per the site inspection, it has been observed that the then user agency (R&B Division Kulgam) has violated the provisions of Forest (Conservation) Act, 1980 by constructing the in-question road without processing the case under the provisions of the Act, and without proper Government order in the instant case and is liable for punishment under rule 3 (B) issued by the Assistant Inspector General of Forests Ministry of Environment, Forest & Climate Change (Government of India) vide F. No. 11-42/2017-FC Dt: 29-01-2018. Further it is to mention that at present the up-gradation and maintenance of the said road is now taken over by PMGSY Division Kulgam.

1. The penalty for violation shall be equal to NPV of forest land per Hectare for each of violation from the date of actual diversion as reported by the inspecting officer with maximum upto five (5) times the NPV plus 12% simple interest till the deposit is made.
2. In case of public utility projects of the Govt. the penalty shall be 20% of the penalty proposed in Para (i) above.

The above mentioned user agency has not followed the due procedure for forest land diversion and has constructed the said road few years back as reported by Range Officer DH Pora vide No. 1010/N Dated 15-02-2021. The penalty as such calculated is as under:-

1. Total NPV = 216690/=
2. Penalty for 5 years (5×216690) = 1083450/=
3. Simple interest @ 12% in penalty amount = 130014/=
4. Total Penalty amount = 1213464/=
5. 20% of recoverable penalty amount (as the project is of public utility) = 242693/=

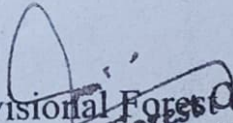
As per the standing Govt. orders/directions and keeping in view the violation of the Forest Conservation Act, 1980 the then user agency(R&B, Division Kulgam) is recommended to pay 20% of the penalty proposed in the para (i) above which is Calculated as Rs. 242693 (Rs. Two Lakh Fourty Two Thousand Six Hundred Ninety Three) and it is as such requested/recommended that the case may kindly be approved under the provisions of the FCA-1980, please.


Divisional Forest Officer
Special Forest Division
Spt. Forest Division
Kulgam

CALCULATION SHEET OF PENAL AMOUNT

The Penalty for illegal construction of road involving 0.31 Ha of forest land in compartment N-48 of DH Pora Range

1. Total NPV of forest land involved @ 699000/Ha	=	Rs. 216690/-
2. Penalty for 5 years $\times$ 216690	=	Rs. 1083450/-
3. Simple interest @ 12% in penalty amount	=	Rs. 130014/-
4. Total Penalty amount	=	Rs. 1213464/-
5. 20% of recoverable penalty amount (Since the project is of public utility)	=	Rs. 242693/-


Divisional Forest Officer
Special Forest Division
SpK Pora Range