



Government of Jammu and Kashmir
Department of Forest, Environment & Ecology
Civil Secretariat, Jammu
www.jkforestadm.nic.in

Subject:- Use of 4.50 Ha. of forest land for construction of road from TO1 to Sodam by PMGSY in Samba Forest Division.

- Reference: (i) Minutes of the 104th Forest Advisory Committee held on 21.02.2018 under the Chairmanship of Chief Secretary (Chairman FAC) J&K, issued by Chief Conservator of Forests/Nodal Officer (FCA) vide No. PCCF/FCA/2577/1408- 34 dated 28.02.2018.
- (ii) Cabinet Decision No. 67/5/2018 dated 24-04-2018 conveyed by the General Administration Department.
- (iii) PCCF/FCA/2164/1343-45 dated 15.03.2019 received from the Pr. Chief Conservator of Forests, J&K.

Government Order No:-107 FST of 2019
Dated:- 02. -04-2019

Sanction is hereby accorded to the use of 4.50 Ha. of forest land for construction of road from TO1 to Sodam by PMGSY in Samba Forest Division. with the following particulars:-

1.	User Agency/Applicant	PMGSY
2.	Location	Comptt. : 30/B, 41/B, 42/B and 44/B Block : Goran and Soram Range : Mohargarh Division : Samba Forest Division District : Samba
3.	Objective	To provide road connectivity to villages Phagwal, Kaunta, Sanoar, Sarlah, Lower Sodam and Upper Sodam. The road will benefit population of 846 people.
4.	Salient Features of the project:	
	I	Total Length of the road 11 Km.
	II	Length of the road through Forest land 7500 Mtrs.
	III	Width of the road 6.00 Mtrs.
	IV	Therefore forest land required for road 4.50 Ha.

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	V	Forest Land required for Muck Dumping site	The User Agency has certified that excavated muck shall be consumed in embankment filling on T01 to Sodam road and no forest land will be used for dumping of mulba.
	VI	Total forest area involved in the proposed project	4.50 Ha.
	VII	Protection work	R/Walls and B/Walls as per the requirement have been kept in the DPR.
5.	Crop Density of the area		Dense Forest
6.			
	a	Whether the forest land proposed to be used for non-forest purpose forms part of a natural reserve, national park, wildlife sanctuary, biosphere reserve or forms part of the habitat of any endangered or threatened species of flora and fauna or any area lying in severely eroded catchment.	No
	b	Whether the use of any forest land is for agriculture purposes or for the rehabilitation of displaced persons.	No
	c	Whether the Principal Chief Conservator of Forests had certified that it has considered all other alternatives and that no other alternative in circumstances are feasible and that the required area is the minimum needed for the purpose.	Yes
	d	Whether the department or authority requisitioning forest land for non-forest uses undertakes to provide at its own cost acquisition or an equivalent area and afforestation thereof.	The User Agency requisitioning forest land for non-forest purpose has not undertaken to provide an equivalent area at its own cost of acquisition, however the Dy. Commissioner concerned has agreed to provide equivalent land for afforestation. The user agency has agreed to pay the cost of afforestation on this land. Further it has undertaken to pay the NPV as per the Hon'ble Supreme court directions.

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7.	Net Present Value of forest land involved:					
	Species	Trees (30-40cm & above)	Poles (20-30cm & 10- 20cm)	Saplings (0- 10cm)	Total	
	Chir	36	3	0	39	
	Kemal(<i>Lannea oromandelica</i>), Kamila (<i>Mallotus philipp ensis</i>), Khair(<i>Aca cia catechu</i>), Sisoo(<i>Dalbergias isoo</i>) Amaltas(<i>Cas sia fistula</i>) etc.	60	211	83	354	
Total	96	214	83	393		
8.	Net Present Value of forest land involved:					
	Comptt. No.	Area involved (Ha.)	Crop Densit y	Eco- Value Class	Rate/ Ha (Rs. In Lac)	Amount
	30/B, 41/B, 42/B and 44/B	4.50	Dense	V	8.45	Rs. 38,02,500/-
9.	Compensatory Afforestation: Dy. Commissioner Samba vide his letter No: DCS/LAS/SM/49/17-18/965 dated 13.10.2017 has certified that state land measuring 98 kanals under Khasra No: 1773/872 min in village Suraraof Tehsil Samba will be transferred for compensatory afforestation in lieu of forest land. Therefore, only one time compensation shall be charged from the User Agency.					Rs. 4,50,000/-
10.	Compensation of trees/poles/saplings					Rs. 12,29,408/-

The User Agency has deposited the full amount in the case summarized below as reported by PCCF vide Reference-iii:-

S.No.	Component	Amount
i.	Net Present Value	Rs. 38,02,500/-
ii.	Compensatory Afforestation	Rs. 4,50,000/-
iii.	Compensation of trees	Rs. 12,29,408 /-
Total		Rs. 54,81,908/-

Terms and Conditions:-

1. The proprietary and legal status of forest land shall remain unchanged.
2. The User Agency and /or its contractors will not bring any forest area under their use, other than the actual area/activity approved by the Government for the instant proposal. Any laxity or deviation on this account by the User Agency or its contractors will attract penal provisions of the relevant Acts/legal provisions.
3. The forest land shall be utilized only for the purpose for which it has been indented.
4. The forest land shall not be mortgaged, reassigned, leased or sub-leased by user agency in any manner what so ever to any other agency.
5. The User Agency shall pay the additional amount of NPV, if so determined as per decision of the Hon'ble Supreme Court of India.
6. (i) The extraction of the trees /poles/saplings shall be done by the State Forest Corporation/Divisional Forest Officer concerned on the basis of markings administratively approved by the Chief Conservator of Forests, Jammu. The marking for tree felling will be done in consultation with the user agency and effort shall be made to save maximum number of trees/poles/saplings. The cost of extraction shall be paid by the User Agency directly to the agency executing the extraction.
(ii) The fundamental rule for marking of trees, enumerated during processing of the proposals, will be to save maximum number of trees without compromising with the construction and maintenance of the approved project structure and no trees/poles/saplings will be felled/cut/pruned/ lopped for purposes/project activities other than those approved/sanctioned.
7. The User Agency shall construct retaining walls/breast walls on forest land and take all necessary steps to check soil erosion which may result due to proposed construction.
8. Any damage done to the forest by the User Agency or its contractors shall be charged from the User Agency @ 10 times as per the revised standard rate of 2018 issued vide the Government Order No: 10-FST of 2018 dated: 09.01.2018.
9. The forest land so allowed for use shall return to the Forest Department free of any encumbrances when it is no longer required by the User Agency.
10. The User Agency shall be responsible for obtaining requisite clearances under any other law in vogue before commissioning of the project.





11. The forest land shall be handed over to User Agency only after the equivalent land as agreed by User Agency and certificate issued by Dy. Commissioner, Samba vide letter No: DCS/LAS/SM/49/17-18/965 dated: 13-10-2017 is taken possession by Forest Department with mutation as well.

By order of the Government of Jammu & Kashmir.

Sd/-
(Manoj Kumar Dwivedi) IAS
Commissioner / Secretary to Government
Forest, Env. & Ecology Department.
Dated:- 02 -04-2019.

No: FST/Land/19/2018

Copy to the:-

01. Secretary to the Government of India, Ministry of Environment, Forests and Climate Change, New Delhi.
02. Commissioner/Secretary to Government, PW(R&B) Department.
03. Principal Chief Conservator of Forests, J&K, Jammu.
04. Managing Director, State Forest Corporation, J&K, Jammu.
05. Chief Conservator of Forests, Jammu.
06. CCF/Nodal Officer, FCA, office of the PCCF, J&K, Jammu.
07. Chief Engineer, PMGSY, Jammu
08. Director, Archives, Archaeology & Museums J&K, Jammu.
09. OSD to Hon'ble Advisor (K) for kind information of Hon'ble Advisor.
10. Pvt. Secy. to the Chief Secretary (Chairman FAC).
11. Pvt. Secy. to Comm./Secretary to Government, Department of Forests, Env. & Ecology
12. PS to Secretary (Technical) Department of Forest, Environment & Ecology.
13. Government order file.(w.2.s.c)

Under Secretary to Government
Forest, Environment & Ecology Deptt.

Government of Jammu and Kashmir
Office of the Principal Chief Conservator of Forests, J&K

NO. PCCF/FCA/2164/1689-93

Dated 09 -04 -2019

Copy of above forwarded for necessary action to the.

1. Chief Conservator of Forests, Jammu.
2. Chief Engineer, PMGSY, Jammu.
3. Conservator of Forests, East Circle, Jammu.
4. Divisional Forest Officer, Samba Forest Division, Samba.
5. Executive Engineer, PMGSY Division, Jammu.

(P.K. Raghaw), IFS,
CCF & Nodal Officer (FCA)