

GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECTT; FOREST DEPARTMENT.

2403
16-10/07

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Subject:- Diversion of 66.81 ha of Forest Land falling under Hirpora Wildlife Sanctuary for construction of Mughal Road by PWD in Shopian Forest Division.

GOVERNMENT ORDER NO 473 - FST OF 2007

D A T E D

08 - 10 - 2007

Sanction is accorded to diversion of 66.81 ha of forest land falling under Compartment NOs Rb-7, Rb-8, Rb-14 and Rb-15 of Hirpora Wildlife Sanctuary for Construction of Mughal Road by Executive Engineer, Mughal Road Division, Shopian on the following terms and conditions:

A- Conditions as per Hon'ble Supreme Court order dated 27.07.2007

- i. Complete ban on the movement through the sanctuaries and conservation areas by graziers and their livestock.
- ii. Sanctuary/conservation areas which are in the neighborhood areas of human settlement should be fenced to prevent poaching and other illegal activities.
- iii. The areas of the 3 continuous PAs (Lachipora Wildlife Sanctuary, Limbar Wildlife Sanctuary and the Naganari Conservation Areas) falling in the Kaj-i-nag Range should be upgraded as a National Park. The management of the entire areas should be transferred from the Forest Department to the Wildlife Protection Department.
- iv. An additional area of 149 Sq.Km located on the eastern side of the sanctuary and under the possession of the Peer Panjal Forest Divisional should be included in the Hirpora Wildlife Sanctuary.
- v. Requisite Environment clearance for the project will be obtained as per the prevalent rules/guidelines.
- vi. 5% of the project cost to be deposited in CAMPA.
- vii. Monitoring Committee to be set up under Chairman of the Chief Secretary with PCCF and Chief Wildlife Warden as members. Committee shall be responsible for strict compliance of the stipulated conditions.

B- Conditions as per J&K Forest (Conservation) Act, 1997:

(The Chief Wildlife Warden shall submit a certificate to the Forest Department that all the conditions have been complied with prior to handing over land to User Agency.)

1. The proprietary status of forest land shall remain unchanged.
2. The forest land so diverted shall be utilized only for the purpose for which it has been diverted. It shall not be transferred to any other agency without approval of the Forest Department.
3. The forest land so diverted shall not be mortgaged, reassigned or sub-leased by user agency in any manner what so ever to any other agency.
4. The user Agency shall pay Net Present Value of the forest land to the tune of Rs. 5,69,22,120/- (Rupees Five Crore Sixty nine lacs twenty two thousand one hundred twenty only) as calculated by the concerned DFO as per Hon'ble Supreme Court Order dated 30.10.2002 in I.A No. 566 in Writ Petition (Civil) No. 202 of 1995 T.N. Godavarman Thirumalpad V/S Union of India.

Nodal Jn

Dr. S. S. P. P. P.

5. The user agency shall be bound to pay an amount of Rs. 56,77,300/- (Rupees Fifty six lacs seventy seven thousand three hundred only) on account of compensation of 583 number of trees/poles of different species and dia classes.
6. The user agency shall pay Rs. 33,40,500/- (Rupees Thirty three lacs forty thousand and five hundred only) on account of compensatory afforestation to be carried over 133.62 ha.
7. The extraction of trees shall be done by the SFC/Forest Department on the basis of marking list approved by Conservator of Forests, Working Plan Circle and administrative approval by the Chief Conservator of Forests, Kashmir.
8. Any damage done to the forest by the user agency or its employees and contractors or people employed by them shall be charged from the user agency at the rate of ten times the standard rate of 1992.
9. The forest land so diverted shall return to the Forest Department when it is no longer required by the User Agency free of any encumbrances.
10. The user agency shall construct complete retaining/breast walls on the both sides of the road/railway line/earth work/tunneling etc. and take other necessary steps, so as to minimize soil erosion/land slips. In this regard, the user agency shall seek technical guidance from Director, Soil Conservation Department, J&K.
11. The user agency shall also pay any other amount which will become payable as per orders of Hon'ble Supreme Court or Government/Forest Department, J&K.
12. The user agency shall be responsible to get requisite clearance under any other relevant law in vogue.
13. The user agency shall submit an undertaking that in case of any upward revision of rates of Net Present Value, the user agency will pay the amount of differential Net Present Value.
14. The possession of Forest Land diverted for non-forestry purpose under the orders of the competent authority, should not be handed over to the user agency till all payments due against Compensation of trees, NPV/Compensation of land. Compensatory afforestation costs etc are not deposited with Chief Accounts Officer in the office of the PCCF. Before handing over the possession of the Forest Land it should be further ensured that there are no outstanding dues with the said User Agency in respect of the cases sanctioned in the past.

This has the approval of the Advisory Committee headed by Chief Secretary.

By order of the Government of Jammu and Kashmir.

Sd/-
(T.K. Sharma), KAS
Special Secretary to Government,
Forest Department.

NO: FST/Land/40th Adv. Committee/77/ 2007

Dated: 08-10-2007.

Copy to the:

1. Principal Secretary to Hon'ble Chief Minister (I/C Forest Department)
2. Principal Secretary to Government, General Administration Department.
3. Principal Chief Conservator of Forests, J&K, Srinagar.
4. Conservator of Forests, Working Plan & Research Circle (Member Secretary) Advisory Committee.
5. Executive Engineer, Mughal Road Division, Shopian.
6. Pvt. Secretary to Hon'ble MOS (Forests).
7. Pvt. Secretary to Commissioner/Secretary (Forests).
8. Government order file (w,2,s,c.)
9. Stock file.

Deputy Secretary to Government,
Forest Department.

Office of the Pr. Chief Conservator of Forest, J&K, Srinagar

NO: PCCF/FC/499/

5789-95

Dated 22/10/2007.

Copy for information and necessary action to:-

1. Chief Wildlife Warden, J&K, Srinagar.
2. Chief Conservator of Forests, Kashmir.
3. Conservator of Forests, Working Plan (Member Secretary to Advisory Committee).
4. Conservator of Forests, South Circle, Bijbehara.
5. Divisional Forest Officer, Forest Division, Shopian.
6. Superintending Engineer, Mughal Road Project Lalmandi, Srinagar.
7. Executive Engineer, Mughal Road Division, Shopian.
8. Order File.

It is requested that all terms and conditions as laid down in Govt. Order be strictly adhered to and work should be allowed only after the whole amount has been paid by the User Agency.

(H.S. Salathia, IFS)
Nodal Officer