

**GOVERNMENT OF JAMMU AND KASHMIR
CIVIL SECTT: FOREST DEPARTMENT.**

Subject :- Diversion of 52.62 ha of Forest Land in Batote, Bhaderwah and Kishtwar Forest Divisions for widening of Batote-Kishtwar road (NH-1B) into D/L specification by GREF.

**GOVERNMENT ORDER NO. 269 - FST OF 2008
D A T E D ; 03 - 06 - 2008**

Sanction is accorded to the diversion of forest land measuring 52.62 ha falling under Compartment No. 1/B,2/B,3/B,10/B,12/B,10/M,12/M,13/M in Batote Division, 33/Ch, 30/Ch,13/JWR, 12/JWR, 11/JWR, 6/JWR in Bhaderwah Division and 18/K,37/K,38/K,39/K, 67/K in Kishtwar Division for widening of Batote-Kishtwar road (NH-1B) into D/L specification by GREF authority, on the following terms and conditions:

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. 3,78,73,800/- (Rs. Three Crore seventy-eight lacs seventy-three thousand eight hundred 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.

Batote Forest Division	Rs. 99,04,500.00
Bhaderwah Forest Division	Rs.1,38,10,500.00
Kishtwar Forest Division	Rs. 1,41,58,800.00
TOTAL :-	Rs. 3,78,73,800.00

5. The User Agency shall pay an amount of Rs. 2,37,25,518/- (Rs. Two crore thirty-seven lacs twenty-five thousand five hundred eighteen only) on account of compensation of 49,507 No. of trees/poles and saplings @ two times standard rate of 1992 as under :-

Division	Trees/Poles (No.)	Saplings (0-10)	Total (No.)	Compensation (In Rs.)
Batote	4596	5946	10542	70,30,454.00
Bhaderwah	6233	13163	19396	67,62,122.00
Kishtwar	5625	13944	19569	99,32,942.00
TOTAL	16454	33053	49,507	2,37,25,518.00

6. The User Agency shall pay Rs. 54,55,526/- (Rs. Fifty-four lacs fifty-five thousand five hundred twenty-six only) on account of Compensatory Afforestation to be carried over degraded forest (twice in extent the area diverted) as under :-

Batote Forest Division	Rs. 38,65,800.00
Bhaderwah Forest Division	Rs. 5,39,726.00
Kishtwar Forest Division	Rs. 10,50,000.00
TOTAL :-	Rs. 54,55,526.00

7. The User Agency shall pay Rs. 79,36,718/- (Rs. Seventy-nine lacs thirty-six thousand seven hundred & eighteen only) on account of cost of Damage/Infrastructure as under :-

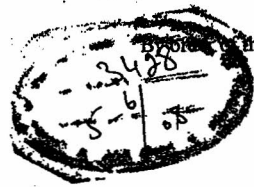
Batote Forest Division	Rs. 60,71,200.00
Bhaderwah Forest Division	Rs. 9,42,518.00
Kishtwar Forest Division	Rs. 9,23,000.00
TOTAL :-	Rs. 79,36,718.00

8. The User Agency shall not dump the debris on forest land and in case of violation of the condition, shall have to pay for the damage done to forest land/crop.

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9. The extraction of trees shall be done by the SFC/Forest Department on the basis of markings technically sanctioned by CF, Working Plan Circle & administratively approved by the CCF, concerned.
10. 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.
11. The forest land so diverted shall return to the Forest Department free of any encumbrances when it is no longer required by the User Agency.
12. The user agency shall construct complete retaining/breast walls on the both sides of the road/railway line/earth work/tunneling/Water Reservoir 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.
13. 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.
14. The user agency shall be responsible to get requisite clearance under any other relevant law in vogue.
15. 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.
16. 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 deposited with Chief Accounts Officer in the office of the PCCF. Before handing over the possession of the Forest 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.

The proposal stands cleared/ approved by the Advisory Committee in its 41st meeting held under the Chairmanship of the Chief Secretary on 5th, March 2008 (second supp. agenda item No. 41A).



Government of Jammu and Kashmir.

Sd/-
Principal Secretary to Government,
Forest Department.

NO:- FST/Land/82/41st/FCA/2008

Dated: 03 - 06 - 2008.

Copy to the:-

1. Principal Chief Conservator of Forests, J&K, Srinagar
2. Conservator of Forests, Working Plan & Research Circle (Member Secretary) Forest Advisory Committee.
3. Executive Engineer, (Civil) Officer Commanding 118 RCC (GREF).
4. Spl. Assistant to Hon'ble Forest Minister.
5. Pvt. Secretary to Principal Secretary (Forests).
6. Government order file (w,2,s,c.)
7. Stock file.

(M. A. Hamdani)
Under Secretary to Government,
Forest Department.

Government of Jammu & Kashmir
Office of the Pr. Chief Conservator of Forests (Srinagar)

No. PCCF/FC/2761/1835-42

Dated 17 .07.2008

Copy for information to:-

- 1) Chief Conservator of Forests, Jammu.
- 2) Conservator of Forests, Working Plan & Research Circle.
- 3) Conservator of Forests, Chenab Circle, Doda.
- 4) Divisional Forest Officer, Bhandarwah Forest Division.
- 5) Divisional Forest Officer, Kishtwar Forest Division.
- 6) Officer Commanding, 114 RCC (GREF), C/o 56 APO.
- 7) Officer Commanding, 118 RCC (GREF), C/o 56 APO.
- 8) DFO, Batote Forest Division.

(H.S. Salathia, IFS)

Conservator of Forests

Nadal Officer

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