

GOVERNMENT OF JAMMU AND KASHMIR
OFFICE OF THE PRINCIPAL CHIEF CONSERVATOR OF FORESTS, SRINAGAR

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ORDER No : 72 - FC of 2009
D A T E D : 17 - 07 - 2009

Sub:- Use of 0.92 hectare of forest land for laying/replacement of Gravity Mains (Phase-II) from PHE Station Lohar to Janipur S/R (Stage Vth) and Roopnagar S/R (Stage IIIrd) by PHE Department through "Ramnagar Wildlife Sanctuary" in Jammu Forest Division.

Ref:- CCF Jammu's No: CCF-J/FCA/447-50 dated 26.06.2009

As already cleared by the Hon'ble Supreme Court of India vide order dated 23.11.2007 regarding laying /replacement of water pipes through Ramnagar Wildlife Sanctuary on certain conditions (followed by sanction to Phase-I vide Govt. Order No:235-FST of 2008 dated 02.06.2008) and as recommended by the Committee (constituted under Section 2 "Proviso 2" of the J&K Forest Conservation Act, 1997) in a meeting held on 18.06.2009 under the chairmanship of Chief Conservator of Forests, Jammu, the use of forest land to the extent of **0.92 hectare** from **Comptt. No: 1/P & 2/P of Jammu Forest Division** for laying/replacement of **Gravity Mains (Phase-II) from PHE Station Lohar to Janipur S/R (Stage Vth) and Roopnagar S/R (Stage IIIrd)** is allowed strictly under the provisions of J&K Forest (Conservation) Act, 1997 on the following terms and conditions:-

(A) Conditions as per Hon'ble Supreme Court of India

1. Adhere to no damage to vegetation or wildlife due to laying/replacement of water pipes.
2. The carriage of water pipes and other requisites shall be by manual means only.
3. No habitat destruction to be carried out.
4. Fragmentation to habitat shall not be allowed and corridors shall be provided for free movement of animals.
5. 5% of the project cost shall be kept in the project for wildlife conservation and management in the sanctuary and the funds shall be kept at the disposal of the Department of Wildlife Protection.
6. No construction of road to be allowed inside the sanctuary.
7. Environmental Impact Assessment study has to be got done by the User Agency forthwith.

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

1. The proprietary and legal status of the forest land shall remain un-changed.
2. The forest land shall be utilized only for the purpose for which it has been indented.
3. The forest land shall not be mortgaged, reassigned, leased or sub-leased by user agency in any manner whatsoever to any other agency.
4. The User Agency shall pay the **Net Present Value of the land to the tune of Rs.7,77,400/-** (@ Rs.8.45 lac per hectare for Dense Forest and Eco Value Class V) as per Hon'ble Supreme Court Order Dt:28.03.2008 and 09.05.2008 in I.A. No: 826 in 566 with related IAs in Writ Petition (Civil) No: 202 of 1995 T.N. Godavarman Thirumalpad V/s Union of India.
5. The User Agency shall pay an amount of **Rs.70,324/- on account of compensation @ two times the standard rate of 1992** for the following number of trees/poles:-

Species	Trees (30-40 & above)	Poles /Saplings (20-30 & Below)	Total
Broad leaved Shisham, Karangal, Farlai, Dhamaan, Ber, Darenk, Simbal, Plah, Kamila, Leucaena and Kakoa.	8	83	91
Total	8	83	91

6. The extraction of trees/poles shall be done by the State Forest Corporation on the basis of markings administratively approved by the Chief Conservator of Forests, Jammu.
7. Any damage done to the forest by the user agency or its employees and contractors or people employed by them shall be charged from user agency at the rate of ten times the standard rate of 1992. Besides, legal action under law shall also be taken.
8. 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 and after rehabilitated properly by the User Agency.
9. The user agency shall be responsible to obtain requisite clearances under any other law in vogue.
10. The money amounting to **Rs.8,47,724/-** on account of various heads to be paid by the user agency as detailed above shall be deposited with Chief Accounts Officer in the office of Pr. Chief Conservator of Forests, J&K, whereas **5% of the project cost as per condition No. A(5) shall be deposited with the Chief Wildlife Warden, J&K.**

Sd/-
(Irshad A. Khan)
Pr. Chief Conservator of Forests

NO: PCCF/FC/71/1165-70

Dated 17/07/2009

Copy for information to the:-

1. Chief Conservator of Forests, Jammu.
2. Chief Wildlife Warden, J&K, Srinagar.
3. Conservator of Forests, Working Plan Circle, Srinagar (Member Secretary, Forest Advisory Committee).
4. Conservator of Forests, East Circle, Jammu.
5. Divisional Forest Officer, Jammu Forest Division.
6. Executive Engineer, PHE City Division No.I, Jammu.

H. S. Salathia, IFS
(Conservator of Forests)
Nodal Officer/FCA

FC/Order