

673650/2022/O/o CIH Forest

FST-land0FC/44/2021-02-Forest Department
Government of Jammu and Kashmir,
Forest, Ecology & Environment Department
Civil Secretariat, J&K Jammu

Subject: Diversion of 2.33 ha of forest land for construction of road from Akhnoor to Poonch Section-3 (From KM 55+800 to Km 74+200 NH-144A) by Border Road Organization (BRO), 57 RCC, 13 BRTF in Jammu and Nowshera Forest Divisions.

- Reference:**
1. Online Proposal No. FP/JK/DEF/43218/2019.
 2. In-Principle accorded vide letter no. FST/Land/Parivesh/12/2020 dated 28.11.2020
 3. Ministry of Environment, Forest and Climate Change (Forest Conservation Division) communication vide File No. FC-11/160/2019-FC dated 23.06.2021.

Government Order No:- 31-JK(FST) of 2022
Dated:- 16 .03.2022

Whereas, online proposal no. FP/JK/DEF/43218/2019 was received for construction of road from Akhnoor to Poonch, Section-3 (From KM 55+800 to Km 74+200 NH-144A) by Border Road Organization (BRO), 57 RCC, 13 BRTF in Jammu and Nowshera Forest Divisions; and

2. Whereas, in-principle approval was accorded vide letter no. FST/Land/Parivesh/12/2020 dated 28.11.2020 by J&K Government; and

3. Whereas, the report on compliance of the conditions of in-principle approval was received vide letter No. PCCF/FCA/3083/1302 dated 24.06.2021 from Nodal Officer (FCA) J&K Forest Department, and complete compliance report was received online from Nodal Officer (FCA) on 03.03.2022

4. Now therefore, approval and sanction for use of 2.33 ha of forest land is hereby accorded for construction of road from Akhnoor to Poonch Section-3 (From KM 55+800 to Km 74+200 NH-144A) by Border Road Organization (BRO), 57 RCC, 13 BRTF in Jammu and Nowshera Forest Divisions subject to the fulfilment of following terms and conditions:-

- i. Legal status of the forest land will remain unchanged.

13650/2022/O/o CIH Forest

- ii. The forest land will not be used for any other purpose other than that mentioned in the proposal.
- iii. The forest land proposed to be diverted shall under no circumstances be transferred to any other agency, department, or person without prior approval of the Central Government.
- iv. The layout plan of the proposal shall not be changed without the prior approval of the J&K Government
- v. Compensatory afforestation shall be taken up by the Forest Department over 2.33 ha degraded forest land (Compartment No. 9/K, Range Kalidhar, Jammu Forest Division) at the cost of the user agency amounting to Rs 16,33,397/-.
- vi. Compensatory afforestation will be done within one year from the date of issue of final approval over the extent of land as approved out of the funds provided by the user agency.
- vii. The DFO shall ensure taking up CA plantations at approved sites and shall not alter the approved sites without obtaining the permission of the competent authority.
- viii. The User Agency shall pay additional amount of the NPV of the diverted forest land, if any, as and when increased on the order of the Hon'ble Supreme Court of India.
- ix. Minimum number of trees and in any case not more than 433 trees and 1217 u/s poles and plants shall be felled.
- x. Regarding extraction, following shall be the procedure (if applicable):
 - a) The extraction of the trees/poles/saplings shall be done by the J&K Forest Development Corporation/Divisional Forest Officer concerned on the basis of markings administratively approved by the competent authority. 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.
 - b) 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.
- xi. No additional or new path will be constructed inside the forest area for transportation of construction materials for execution of the project work. 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.
- xii. No damage will be done to the adjoining forest land, and all efforts shall be made to save the adjoining forest and forest land. 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 standard rate of 2018 issued vide the Government Order No: 10-FST of 2018 dated: 09.01.2018.
- xiii. No labour camp shall be established on the forest land. The user agency shall provide firewood preferable alternate fuels to the labourers and the staff working at the site so as to avoid any damage and pressure on the nearby forest areas.
- xiv. The user agency shall ensure that muck to be excavated with the construction of proposed road shall be dumped either at identified places within the forest land or shall arrange the dumping of muck outside the forest area. The acquired muck dumping site should be prepared appropriately before start of dumping to prevent downhill slide of muck.
- xv. The User Agency shall construct retaining walls/breast walls/ rain water drainage on forest land and take all necessary steps to check soil erosion which may result due to proposed construction. The muck/waste material shall be disposed off as per the approved plan.
- xvi. The boundary of the diverted forest land shall be suitably demarcated on ground at the project cost, as per the directions of the concerned Divisional Forest Officer.



0650/2022/O/o CIH Forest

- xvii. The User Agency shall obtain Environmental Clearance as per the provisions of the Environmental (Protection) Act, 1986, and any other clearances under relevant Acts/ Rules/court's Rulings/instructions, etc., as applicable to this proposal
- xviii. 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.
- xix. The user agency shall raise strip plantation on both sides and central verge of the road at the project cost as per IRC specifications with maintenance of seven to ten years;
- xx. The Forest department shall upload the KML files of the degraded forest area accepted for raising compensatory afforestation as well as the forest area proposed for diversion in the extant proposal in the E-Green watch portal of FSI.
- xxi. Any other condition that MoEFCC or its Regional Office may stipulate from time to time, in the interest of conservation, protection and development of forests & wildlife.

5. J&K Government may revoke/suspend the clearance, if implementation of any of the above conditions is not satisfactory.

By order of the Government of Jammu and Kashmir.


Sd/-
(Sanjeev Verma) IAS
Commissioner/ Secretary to Government,

No. FST/Land/OFC/44/2021-02

Dated:-16.03.2022

Copy to the:

1. Secretary to Government of India, MoEF&CC, New Delhi.
2. Principal Chief Conservator of Forests (HOFF), J&K.
3. Joint Secretary (J&K), Ministry of Home Affairs, Government of India.
4. Chief Conservator of Forests/Nodal Officer J&K (FCA) / O/o Pr. CCF J&K.
5. Chief Conservator of Forests, Jammu.
6. Lt Col officer Commanding 57 Road Constr Coy (GREF) PIN 930057 C/o 56 APO
7. Private Secretary to Chief Secretary.
8. Private Secretary to Commissioner/Secretary, Forest, Ecology & Environment Department J&K.
9. Govt. Order File (w.2.s.c)/Stock file.


(Fayaz Ahmad Qureshi)
Under Secretary to Government