

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH NEW DELHI.

In the case of:-

Execution Application: 32/16

IN

OA: 295/16

With

OA: 295/16 (MA: 539/16)

Amresh Singh

V/s

Union of India & Ors.

.....Petitioner

.....Respondents

In the matter of: COMPLIANCE REPORT ON BEHALF OF
PRINCIPAL CHIEF CONSERVATOR OF
FORESTS J&K IN THE ABOVE TITLED
CASE.

May it please your lordships;

The answering respondent most respectfully submit as under:

1. It is submitted that the respondent is law abiding and responsible public servant and have great regard for the Hon'ble Court and hold orders by the Hon'ble Court in high esteem.
2. It is submitted that a proposal for use of 2.429 ha. of forest land for establishment of 3 Muck dumping sites for dumping of excavate earth/ Muck for widening of National Highway Authority from Seri Ramban to Banihal stretch (km. 151 to Km.187) was received from the National Highway Authority of India. After examining the proposal at different levels under the rules prevalent at that time, the said proposal was accordingly placed before the Forest Advisory Committee.
3. It is submitted that the Forest Advisory Committee held 114th meeting on 17.7.19. The said proposal for use of 2.429 Ha. of forest land was in the Agenda at point No: 114.04. The Advisory Committee approved the proposal.

Pr. Chief Conservator of Forests
Jammu & Kashmir Govt.
Srinagar / Jammu.

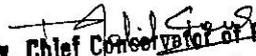
under the terms and conditions laid down in the Agenda.

A copy of minutes of the said meeting is annexed as

Annexure-R1.

4. It is submitted that approval of the competent authority i.e. (State Administrative Council) vide its decision No: 226/22/2019 dated 22.10.2019 has been conveyed vide letter No: FST/land/37/2019 dated 11.11.2019.
5. Since the User Agency i.e. National Highway Authority of India (NHAI) has deposited the requisite NPV and Compensatory Afforestation amount in the case, the Administrative Department has been requested vide letter No: PCCF/FCA/2506/4923-25 dated 06.11.2019 to issue necessary Government sanction accordingly in the case. An affidavit in support of compliance report is annexed herewith.

In view of the submissions made herein above, it is most respectfully submitted that compliance report may kindly be accepted and taken on record.


A. J. S. S.
Chief Conservator of Forests,
Answering Respondent
THRU
S. B. W. C. M. U.
Counsel.

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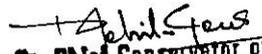
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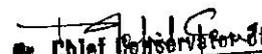
In the matter of: AFFIDAVIT IN SUPPORT OF
COMPLIANCE REPORT.

I, Dr. Mohit Gera, IFS presently posted as Principal Chief Conservator of Forests, J&K, do hereby solemnly affirm and declare that the accompanying compliance report has been read over and explained to me and the contents of the para No:1 to 4 of the compliance report are true and correct to the best of my knowledge as per the records. Legal submissions made therein are believed to be true and correct on the basis of information received.


Dr. Chief Conservator of Forests,
DEPONENT
Jammu & Kashmir Govt
Srinagar / Jammu,

Verification:

Verified on this the-----day of Nov, 2019 that the averments made herein above are true and correct to the best of my knowledge and belief.


Dr. Chief Conservator of Forests,
DEPONENT
Jammu & Kashmir Govt
Srinagar / Jammu.

MINUTES OF THE 114th MEETING OF THE FOREST ADVISORY COMMITTEE HELD UNDER THE CHAIRMANSHIP OF SH. B. V. R. SUBRAHMANYAM, IAS, CHIEF SECRETARY, JAMMU AND KASHMIR, AT CIVIL SECRETARIAT, SRINAGAR ON 17.07.2019.

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1. The 114th meeting of the Forest Advisory Committee (FAC) constituted under the Jammu and Kashmir Forest (Conservation) Act, 1997, was held under the chairmanship of Sh. B. V. R. Subrahmanyam, IAS, Chief Secretary, Jammu and Kashmir, at Civil Secretariat, Jammu on 17th July, 2019.

2. Following Members of the Committee and Special Invitees attended the meeting:

(I) **Members:**

1. Dr. Pawan Kotwal, IAS Financial Commissioner (Revenue), J&K
2. Sh. Manoj Kumar Dwivedi, IAS Commissioner/ Secretary to Government, Forest, Ecology & Environment Department, J&K
3. Sh. Suresh Chugh, IFS Principal Chief Conservator of Forests, J&K
4. Sh. P. K. Singh, IFS Pr. CCF/ Director, Soil & Water Conservation Department, J&K
5. Sh. B. Sidhartha Kumar, IFS Pr. CCF/Director, Environment & Remote Sensing Department, J&K
6. Sh. Suresh Kumar Gupta, IFS Addl. PCCF/ Chief Wildlife Warden, J&K
7. Dr. G. A. Bhat Member (Non-Official)
8. Sh. K. Ramesh Kumar, IFS Chief Conservator of Forests (FCA)/ Member Secretary, Forest Advisory Committee

(II) **Special Invitees:**

1. Sh. Khurshid Ahmad Shah, IAS Commissioner/Secretary to Government, PWD (R&B) Department, J&K
2. Mrs. Neelu Gera, IFS Addl. PCCF/Director, Social Forestry Department, J&K
3. Sh. Vasu Yadav, IFS Managing Director, State Forest Corporation, J&K

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| 4. Sh. Syed F:A. Gillani. IFS | Chief Conservator of Forests. Kashmir |
| 5. Sh. D.K. Khanna | Chief Engineer, PMGSY, Jammu |
| 6. Sh. Shaukat. J. Pandit | Chief Engineer, PMGSY, Kashmir |
| 7. Sh. Ajay Kr. Rajak | Project Director, NHAI, Jammu |
| 8. Sh. Kamlesh Kumar Jha | On behalf of Chief Engineer, Project Beacon |
| 9. Sh. Arvind Sharma | Chief Executive Officer JAKEDA |
| 10. Sh. Ihsan Banka | Circle Head Vindhya Telelinks, Jammu |
| 11. Sh. Prokaromi Ram | Representative from Northern Railway. |

3. The Forest Advisory Committee (FAC) considered the following proposals relating to use of forest land for non-forestry purposes under the Jammu and Kashmir Forest Conservation Act as were presented by Sh. K. Ramesh Kumar, IFS. Member Secretary, Forest Advisory Committee:

| Agenda No | Proposal | Observations/Decision |
|-----------|---|---|
| 114.01 | Proposal to allow use of 34.024 Ha. of forest land for widening of Basohli Bani Bhaderwah road from Km. 102 to Km. 128 in Basohli Forest Division by GREF (114 RCC). | The proposal was approved on the terms and conditions laid down in the agenda. |
| 114.02 | Proposal to allow use of 0.92 Ha. of forest land for RoW permission for laying of Optical Fiber Cable from Mandi to Loran China Marge in Poonch Forest Division by Vindhya Tele links Ltd. | The proposal was approved on the terms and conditions laid down in the agenda with the condition that the optical fiber shall be laid only on the uphill side and the soil excavated for the purpose shall be properly compacted to its initial position to avoid erosion as decided in the 111 th FAC Meeting for such projects. |
| 114.03 | Proposal to allow use of 2.776 Ha of Forest land for construction of 3.0 MW Small Hydroelectric Project at Daksum Mather in Anantnag Forest Division by Jammu and Kashmir Energy Development Agency (JAKEDA). | State Administrative Council (SAC) vide Decision No. 42/5/2019 dated 13.02.2019 has decided that development of Hydro and Solar Power Projects exceeding 02 MW capacity will be |

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| | | <p>executed by the Power Development Department. However, non conventional energy sources (excluding Solar and Hydro Power Projects exceeding 02 MW capacity) will be executed by the Science and Technology Department.</p> <p>It was observed that the project proposal being of 03 MW small HEP, the Science and Technology Department will transfer the proposal to the Power Development Department for processing it further.</p> |
| 114.04 | Proposal for use of 2.429 Ha of forest land for dumping of excavated earth/muck from widening of NHAI from Seri-Ramban to Banihal Stretch (Km 151 to Km 187) in Ramban Forest Division by NHAI. | The proposal was approved on the terms and conditions laid down in the agenda. The Forest Department will issue sanction only after the outstanding amount of Rs. 34,19,552/- is deposited by the User Agency. |
| 114.05 | Rehabilitation strengthening and four laning of Qazigund to Banihal section of NH-1A from Km 189.350 to Km 204.700 including two tunnels (2 Lane) of 0.69 Km & 8.45 Km length on DBFORT (Annuity) basis in the state of Jammu and Kashmir (NHDP-Phase-II/J&K) approval/estimate of Social Forestry trees coming under alignment at village Devgol, Banihal District Ramban. | The proposal was approved on the terms and conditions laid down in the agenda. The Forest Department will issue sanction only after the outstanding amount of Rs. 34,19,552/- is deposited by the User Agency. |
| 114.06 | Proposal to allow use of 0.01 Ha. of forest land for erection for ground based telecom (GBT) for roll out of broad band wireless access service (4G) at various places at Sonmarg /Baltal (location at Baltal Amarnath Track) in Sindh Forest Division by Reliance JIO Infocomm. | The proposal was approved on the terms and conditions laid down in the agenda. |
| 114.07 | Proposal to allow use of 0.01 Ha. of forest land for erection for ground based telecom (GBT) for roll out of broad band wireless access service (4G) at various | The proposal was approved on the terms and conditions laid down in the agenda. |

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| | places at Sonmarg /Baltal (location at Baltal Base Camp) in Sind Forest Division by Reliance JIO Infocomm. | |
| 114.08 | Proposal to allow use of 0.01 Ha. of forest land for erection for ground based telecom (GBT) for roll out of broad band wireless access service (4G) at various places at Sonmarg /Baltal (location at Domail) in Sind Forest Division by Reliance JIO Infocomm. | The proposal was approved on the terms and conditions laid down in the agenda. |
| 114.09 | Proposal to allow use of 0.01 Ha. of forest land for erection for ground based telecom (GBT) for roll out of broad band wireless access service (4G) at various places at Sonmarg /Baltal (location at kangan Hall) in Sind Forest Division by Reliance JIO Infocomm. | The proposal was approved on the terms and conditions laid down in the agenda. |
| 114.10 | Proposal to allow use of 0.01 Ha. of forest land for erection for ground based telecom (GBT) for roll out of broad band wireless access service (4G) at various places at Sonmarg /Baltal (location at Panchtarni) in Sind Forest Division by Reliance JIO Infocomm. | The proposal was approved on the terms and conditions laid down in the agenda. |
| 114.11 | Proposal to allow use of 0.01 Ha. of forest land for erection for ground based telecom (GBT) for roll out of broad band wireless access service (4G) at various places at Sonmarg /Baltal (location at Panjtarni) in Sind Forest Division by Reliance JIO Infocomm. | The proposal was approved on the terms and conditions laid down in the agenda. |
| 114.12 | Proposal to allow use of 0.01 Ha. of forest land for erection for ground based telecom (GBT) for roll out of broad band wireless access service (4G) at various places at Sonmarg /Baltal (location at Ranga Mode Baltal) in Sind Forest Division by Reliance JIO Infocomm | The proposal was approved on the terms and conditions laid down in the agenda. |
| 114.13 | Proposal to allow use of 0.01 Ha. of forest land for erection for ground based telecom (GBT) for roll out of broad band wireless access service (4G) at various places at Sonmarg /Baltal (location at Baltal Amarnath Track) in Sind Forest Division by Reliance JIO Infocomm. | The proposal was approved on the terms and conditions laid down in the agenda. |

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| 114.14 | Proposal to allow use of 0.0125 Ha. of forest land for erection for ground based telecom (GBT) for roll out of broad band wireless access service (4G) at Poshpathri in Lidder Forest Division by Reliance JIO Infocomm. | The proposal was approved on the terms and conditions laid down in the agenda. |
| 114.15 | Proposal to allow use of 0.0125 Ha. of forest land for erection for ground based telecom (GBT) for roll out of broad band wireless access service (4G) at Chandanwari in Lidder Forest Division by Reliance JIO Infocomm. | The proposal was approved on the terms and conditions laid down in the agenda. |
| 114.16 | Proposal to allow use of 0.0125 Ha. of forest land for erection for ground based telecom (GBT) for roll out of broad band wireless access service (4G) at Sheshnag in Lidder Forest Division by Reliance JIO Infocomm. | The proposal was approved on the terms and conditions laid down in the agenda. |
| 114.17 | Proposal to allow use of 0.70 Ha. of forest land for extension of road from Sakhi Madan to Kalai passing through Co. 240/H falling in Haveli Range of Poonch Forest Division by PWD (R&B). | The proposal was approved on the terms and conditions laid down in the agenda. |
| 114.18 | Proposal to allow use of 4.698 Ha of forest land for construction of road from Arnas to Kanota in Reasi Forest Division by PMGSY. | The proposal was approved on the terms and conditions laid down in the agenda. |
| 114.19 | Proposal to allow use of 1.475 Ha. of forest land for construction of road from Garnai to Upper Ganai in Udhampur Forest Division by PMGSY. | The proposal was approved on the terms and conditions laid down in the agenda. |
| 114.20 | Proposal to allow use of 13.455 Ha. of forest land for construction of road from Kanthan to Sawalakote-I (upto Dhandi) in Mahore Forest Division by PMGSY. | The proposal was deferred . User Agency was asked to examine the possibility of re-alignment of the road so as to reduce the number of trees coming in the alignment to a bare minimum. |
| 114.21 | Proposal to allow use of 1.17 Ha. of forest land for construction of road from Marothi to Ganshad in Udhampur Forest Division by PMGSY. | The proposal was deferred . User Agency was asked to examine the possibility of re-alignment of the road so as to reduce the number of trees coming in the alignment to a bare minimum. |

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| 114.22 | Construction of road from Salamabad, Dachina to Sarana Uri regarding approval for removal of trees in Village Wood Lot, Kanchan Uri coming under the alignment of road under Phase X in Social Forestry Division Baramulla by PMGSY. | The proposal was approved on the terms and conditions laid down in the agenda. |
| 114.23 | Proposal to allow use of 3.58 Ha. of forest land for construction of road from TO1 to Hathan in Basohli Forest Division by PMGSY. | The proposal was approved on the terms and conditions laid down in the agenda. |
| 114.24 | Proposal to allow use of 2.94 Ha. of forest land for construction of road from Kashmiri Manigah to Shalibutoo (Chutwan) in Kamraj Forest Division by PMGSY | The proposal was approved on the terms and conditions laid down in the agenda. |
| 114.25 | Proposal to allow use of 1.175 Ha. of forest land for construction of road from Basantgarh to Khaned under Package No JK 14-105 Phase VII Stage-I in Ramnagar Forest Division by PMGSY | The proposal was approved on the terms and conditions laid down in the agenda. |
| 114.26 | Proposal to allow use of 5.0575 Ha. of forest land for construction of road from Joffer-I to Marta in Ramnagar Forest Division by PMGSY | The proposal was approved on the terms and conditions laid down in the agenda. |
| 114.27 | Proposal to allow use of 4.17 Ha. of forest land for construction of road from Mangar to Upper Dhar in Basohli Forest Division by PMGSY. | The proposal was approved on the terms and conditions laid down in the agenda. |
| 114.28 | Proposal to allow use of 2.0525 Ha. of forest land for construction of road from Km 14 th of TO1 to Kallar Mohra in Poonch Forest Division by PMGSY | The proposal was approved on the terms and conditions laid down in the agenda. |
| 114.29 | Enumeration list of Trees which are likely to fall and pose danger to human life at compartment 39a & 40a/Ramban on National Highway. | Proposal approved in principle. |
| Supplementary Agenda | | |
| 114.30 (S) | Proposal to allow use of 0.65 Ha. of forest land for construction of new 2 intermediate Adit for T15 tunnel between Ind (P1 of T 15) and Barla Adit (near Village Chachwah) on Katra Dharma Section of USBRL Project in Mahore Forest Division. | The proposal was approved on the terms and conditions laid down in the agenda. The Forest Department will issue sanction only after outstanding amount Rs. 3,49,12,649/- is deposited the User Agency. |

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| 14.31 (S) | Proposal to allow use of 6.9525 Ha of forest land for construction of road from Panssa to Prankote in Reasi Forest Division by PMGSY. | The proposal was approved on the terms and conditions laid down in the agenda. |
| 114.32 (S) | Proposal to allow use of 15.8661 Ha. of forest land for construction of road from Dessu to Lehenwan Margan Pass in Anantnag Forest Division by PMGSY. | The proposal was approved on the terms and conditions laid down in the agenda with the condition that NPV amount be charged only for additional land required for the purpose. |
| 114.33 (S) | Proposal to allow use of 0.259 Ha. of forest land for construction of road from Chandanwari to Chandanwari Bala of Boniyar Forest Range in J.V. Forest Division by PMGSY. | The proposal was approved on the terms and conditions laid down in the agenda. |

4. To obviate delay in the completion of the projects, FAC took the following decision:
- i. For all existing roads involving widening or upgradation, NPV will henceforth be charged only for additional/excess land.
5. FAC also issued the following directions:
- i. The user agencies will strictly adhere to the instructions issued by the FAC/ Forest Department wherein the user agencies have been asked to consult the Forest Department at the project conceptualization stage to ensure working out proposals/alignments which involve bare minimum felling of trees as far as possible, undertaking compensatory afforestation over alternate land in view of diversion of forest land and preservation of flora and fauna.
 - ii. The Monitoring Committees will closely monitor the works being undertaken in the forest areas.
6. The meeting ended with a vote of thanks to the Chair.

(K. Ramesh Kumar) IFS
Chief Conservator of Forests (CCA)
Member Secretary.

Forest Advisory Committee
2/10/22