

**Jammu and Kashmir
Pollution Control Committee**

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Transport Nagar, Jammu, 180 006

Silk Factory Road
Rajbagh, Srinagar, 190 008

**The Consultant Judicial,
Hon'ble National Green Tribunal,
Principal Bench,
New Delhi.**

No: JKPCCC/NGT/OA 360-2024/2051-52

Date:- 4 -02-2025

Sub:- Compliance Report of Jammu and Kashmir Pollution Control Committee in compliance to Hon'ble National Green Tribunal order dated 15.10.2024 passed in OA No. 360/ 2024, titled "Felling of 234 trees on century-old college campus distresses many in Kashmir" appearing in The Hindu dated 22.03.2024".

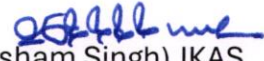
Sir,

In compliance to the directions of Hon'ble National Green Tribunal, Principal Bench, New Delhi order dated 15.10.2024 passed in OA No. 360/ 2024, titled "Felling of 234 trees on century-old college campus distresses many in Kashmir" appearing in The Hindu dated 22.03.2024" the Compliance Report of the J&K Pollution Control Committee is submitted herewith.

It is, therefore, requested that the Compliance Report may kindly be taken on record and placed before the Hon'ble NGT for consideration.

Yours faithfully,

Encl:- As Above


(Ghansham Singh) JKAS
Member Secretary 4.2.25
J&K PCC

Copy to the:-

- 1) Sh. G. M Kawoosa, Additional Standing Counsel for UT of Jammu and Kashmir, New Delhi for information and necessary action.

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Before the Hon'ble National Green Tribunal
Principal Bench, New Delhi

Original Application No. **360 of 2024**

IN THE MATTER OF

"Felling of 234 trees on century-old college campus distresses many in Kashmir".

Report on behalf of Jammu and Kashmir Pollution Control Committee pursuant to Hon'ble National Green Tribunal, order dated 15.10.2024 passed in OA No. 360/ 2024, titled "Felling of 234 trees on century-old college campus distresses many in Kashmir" appearing in The Hindu dated 22.03.2024".

Background:

That the Hon'ble National Green Tribunal vide Order dated **15-10-2024** in **OA No. 360 of 2024** directed as follows:-

"Hence as of last indulgence, four weeks is granted to respondent nos. 4 and 5 to file the reply by way of affidavit, failing which respondent nos. 4 and 5 will remain virtually present on the next date."

"Meanwhile, J&K PCC may place on record the order permitting the felling of the tree if any such order exists."

Status Report:

In compliance to the aforesaid directions of the Hon'ble National Green Tribunal, Principal Bench, New Delhi in **OA No. 360 of 2024**, the report of the J&K Pollution Control Committee is submitted as hereunder:

1. That the Principal Chief Conservator of Forest, Government of Jammu and Kashmir has prescribed general guidelines for removal of trees posing threat to life & property vide Circular No. 01 of 2019 dated 28-11-2019 (**copy enclosed as Annexure-1**), whereunder, it is provided that in case of removal of trees from the premises of institutions, the J&K State Forest Corporation (SFC) may be requested by the

concerned institutions for felling of such trees after obtaining the approval of the competent authority of the institution. However, in case, the institute intends to transport the felled timber, the same shall be governed by the circular 5 of 1998 dated 05.03.1998 (**copy enclosed as Annexure-2**).

2. That the competent authority of the Institution i.e., J&K Government Higher Education Department has accorded permission for e-auction of trees vide No. *HED-PLNG/113/2023-03; dated 28.12.2023* (**copy enclosed as Annexure-3**). Besides, the Divisional Forest Officer, Social Forestry, Divisional Officer, Srinagar / Tree Officer Srinagar vide No. 780-84/SF/Sgr-20; dated 08.08.2023 has carried out the assessment of 234 trees in the premises of Amar Singh College & has advised the Department / Implementation agency to follow e-auction through Forest Development Corporation.
3. That the committee constituted by the Govt. of Jammu and Kashmir vide Govt. Order No. 470-JK (GAD) of 2022 dated 14-04-2022 (**copy enclosed as Annexure-4**) has *inter-alia* suggested for phasing out of female poplar trees planted by Govt. Departments like Social Forestry, PWD (R&B) etc. standing on or adjoining sensitive locations like hospitals, schools, market places within Srinagar Municipal Corporation or similar other cities / towns in valley and such phasing out shall be carried out on attaining exploitable size of more than 4 feet girth. The lopping/felling at these places should be carried out by concerned department / institution / individuals who own these plantations after identification of the trees by Social Forestry Department in spring season.

Apart from the above, no other permission from any other authority is available.

Prayer:

In the premises, it is therefore respectfully prayed that the report may kindly be taken on record before the Hon'ble National Green Tribunal for consideration.

Ghansham Singh
(Ghansham Singh) 4.2.25
Member Secretary
J&K PCC



Government of Jammu and Kashmir
Office of the Principal Chief Conservator of Forests
Van Bhavan, Jammu

Circular 01 of 2019
Dated 28/11/2019

Subject: Felling of trees posing threat to life and property

Proposals are received from time to time for removal of trees that pose threat to life and property. In this context, the following guidelines are hereby issued:-

1. In forest areas, removal of trees posing threat to life and property shall be governed strictly in accordance with the Qualitative and Quantitative norms formulated pursuant to the orders of Hon'ble Supreme Court dated 12.12.1996 in the case titled T.N. Godavarman V/s UOI & others.
2. If removal of trees raised by Forest Department on other State lands outside demarcated forests is required:
 - i. The application for felling of trees should be submitted by the concerned government department along with a certificate issued by a revenue officer not below the rank of Tehsildar having jurisdiction of the area that the trees pose threat to life and property.
 - ii. The DFO shall inspect the site and submit a report to the Conservator. The Conservator of Forests concerned shall accord the approval on the recommendation of the DFO concerned.
 - iii. The CF shall satisfy himself that the area in question is not a "Forest" as defined in the order of Hon'ble Supreme Court dated 12.12.1996 in case titled T.N. Godavarman V/s UOI & others.
3. The procedure to be adopted for felling and transportation of trees grown on private lands shall continue to be regulated in accordance with Circular No. 5 of 1998 dated 05.03.1998, issued under endorsement No. PCCF/Lease/90-1125 dated 05.03.1998.

4. In case of removal of trees from the premises of institutions, the J&K SFC may be requested by the concerned institutions for felling of such trees after obtaining the approval of the competent authority of the institution for felling of the trees. However, in case the institute intends to transport the felled timber, the same shall be governed by the Circular 5 of 1998 dated 05-03-1998.
5. The trees removed shall be replaced with ornamental shrubs or trees that do not grow very tall under appropriate scheme. Any attempt to encroach upon the land in question shall be reported to the appropriate authorities by staff concerned for necessary action under law.

Sd/
(Dr Mohit Gera IFS)
Pr Chief Conservator of Forests

NO: PCCF/Coord/SFC/2019/783-806

Dated: 28 /11/2019

Copy to

- ✓ 1. The Commissioner Secretary, Department of Forest, Ecology and Environment, Civil Secretariat, Jammu
2. The Director, Department of Soil and Water Conservation, Jammu
3. The Director, Department of Social Forestry, Jammu
4. The Director, State Forest Research Institute, Jammu
5. The Director, Department of Environment, Ecology and Remote Sensing, Jammu
6. The Chief Wildlife Warden, Jammu
7. The Director, Forest Protection Force, Jammu
8. The Managing Director, J&K State Forest Corporation, Jammu
9. The Chief Conservator of Forests (WP, R & T)
10. The Chief Conservator of Forests (FCA)
11. The Chief Conservator of Forests (P&P)
12. The Chief Conservator of Forests (Kashmir/Jammu)
13. All Conservators of Forests (Territorial)
14. The Conservator of Forests, Agrostology
15. The Conservator of Forests, Central Circle
16. The Conservator of Forests, Working Plan Circle
17. Circular File

(T Rabi Kumar)
Chief Conservator of Forests (Central)

GOVERNMENT OF JAMMU AND KASHMIR
OFFICE OF THE PR. CHIEF CONSERVATOR OF FORESTS

CIRCULAR NO: 5 OF 1998
DATED : 05-03-1998

Subject: Procedure for regulating transportation of firewood extracted from private lands in Jammu Province.

Felling and removal of trees standing on private land was governed by the J&K Agrarian Reforms Act, 1976 whereunder Revenue Department officials were issuing the permission for felling of such trees. However, the Act has been amended recently vide J&K Agrarian Reforms (Amendment) Act, 1997, and Section 31 of the earlier Act dealing with regulation of felling and removal of trees on private lands has been deleted. Thus the owners of private land no longer have to seek permission of the Revenue Department for felling of trees. However, permission to transport the firewood extracted from such trees is still required to be taken from the Forest Department. Now, to facilitate quick processing of cases seeking permission to transport the firewood extracted from trees of revenue lands, other than those falling under the category of royal, reserved and specified species, the following procedure is laid down:

01. The concerned land owner(s) shall apply to the concerned DFO for transportation permission giving details of trees to be removed from the proprietary land (specieswise) together with ownership details like Shajra-Khasra of land vis-a-vis proof of ownership. This application will be accompanied by an affidavit in which the owner(s) will have to declare the details of trees specieswise to be felled alongwith Khasra No and proof of ownership. The application should be endorsed by the concerned Patwar and Numberdar of the village and countersigned by the Girdawar of the area.

Handwritten notes:
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A. 11/3

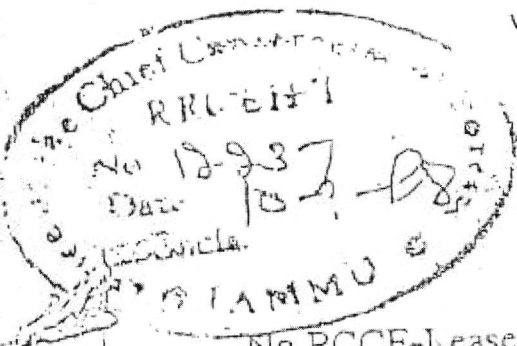
On receiving the application accompanied with revenue record of ownership, the DFO will scrutinize the application in his office and forward the same to Range Officer concerned for spot inspection and reporting the facts such as:-

- i) Species, number of trees with diameter at breast height.
- iii) Estimated quantity of firewood which could be extracted from the trees.

03. The Range Officer should verify the facts either himself or through a Forester after spot inspection, and report back to the DFO with his recommendation or otherwise within one week. Immediately on receipt of the verification report from the Range Officer, the DFO may sanction issue of Form 25, if so recommended by the Range Officer.

Following instructions will also be followed:-

- a) Form 25 will be issued personally on spot by the Block Forester concerned observing all rules and formalities.
- b) DFO will monitor operation of sanctions from time to time by deputing ACF or special parties.
- c) DFO will also reflect the sanctions issued by him and the quantity of firewood extracted from private lands in his monthly progress reports submitted to CF who in turn will submit a consolidated return to CCF on 10th of every month. This will ensure due check in the Circle office as well.



(P. Patnaik)

Pr. Chief Conservator of Forests

No. PCCF-Lease/90-125

Dated 01-01-1998

Copy for information and necessary action to the:-
 Divisional Commissioner, Jammu.
 All CCFs/CFs/DFOs J&K Forest Department.
 Managing Director, J&K SFC, Jammu.

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Government of Jammu & Kashmir
Higher Education Department
Civil Secretariat J&K.

Annexure-3

H/L
Forward it to
SM 1/27
30/11

The Principal,
Amar Singh College Srinagar .

No: HED-PLNG/113/2023-03

Dated: 28-12-2023

Subject: Permission for auctioning of Poplar/Willow/Robinia and other trees
in and around the campus posing threat to life and property;
auctioning through J&K Forest Development Corporation.

Sir,

Kindly refer your letter No. ASC/Edu/23/1793 dated 02-11-2023 regarding
the subject cited above. In this connection, I am directed to convey the
authorization of the competent authority to go ahead with the e-auction of the
trees on as is where is basis after fulfilling the required codal formalities.

Yours faithfully

Arishah
28/12/2023
Assistant Director Planning
Higher Education Department

Copy to the:

Private Secretary to Principal Secretary to Government, Higher Education
Department for information of the Principal Secretary.

**Government of Jammu and Kashmir
General Administration Department
Civil Secretariat, Jammu.**

Subject: **WP(C)PIL No.4/2020 titled Azra Usmail Vs Union Territory of Jammu and Kashmir – Constitution of Committee thereof.**

**Government Order No.470-JK(GAD) of 2020
Dated:14.04.2020**

Sanction is hereby accorded to the constitution of a Committee, comprising the following to examine all aspects relating to the Russian Poplar trees including the impact of the pollen and fluff from the poplar trees, the desirability of felling Russian poplar trees and related issues, as specified in the Hon'ble High Court Order dated 10.04.2020, in the above mentioned writ petition:

1.	Dr. Mohit Gera, IFS, Pr. Chief Conservator of Forests and HoFF.	Chairman
2.	Mr. Farooq Ahmad Gillani, Chief Conservator of Forests, Kashmir	Member
3.	Dr. Mushtaq Siddiqi, Vice Chancellor, Islamic University of Science & Technology.	Member
4.	Dr. Naveed Nazir Shah, HoD, Pulmonary Medicine, Government Medical College, Srinagar.	Member
5.	Mr. Zubair Ahmad Shah, Conservator of Forests, Srinagar	Member
6.	Dr. Tariq. H. Masoodi, Dean, Department of Forestry, SKUAST, Kashmir.	Member
7.	Mr. Mehraj-ud-din Malik, Regional Director, Social Forestry, Kashmir	Member- Secretary

The Chairman of the Committee is authorized to co-opt any other expert(s) in its deliberations.

The Committee shall be serviced by the Forest, Ecology & Environment Department and shall submit its report within a period of two weeks to the Government.

By Order of the Government of Jammu and Kashmir.

(Rohit Sharma) KAS

Additional Secretary to the Government

Dated:14.04.2020

No. GAD(Adm)13/2020-III

Copy to:

1. Financial Commissioner, Health & Medical Education Department.

2. Principal Secretary to the Lieutenant Governor.
3. Principal Secretary to the Government Agriculture Production Department.
4. Principal Chief Conservator of Forest and HOFF.
5. Commissioner/Secretary to the Government, Forest, Ecology & Environment Department.
6. Chief Conservator of Forests, Kashmir.
7. Vice Chancellor, Islamic University of Science & Technology.
8. Dr. Naveed Nazir Shah, HoD, Pulmonary Medicine, Government Medical College, Srinagar.
9. Conservator of Forests, Srinagar.
10. Dean, Department of Forestry, SKUAST, Kashmir.
11. Regional Director, Social Forestry, Kashmir.
12. Private Secretary to Chief Secretary, J&K.
13. Private Secretary to the Learned Advocate General for information of the Learned Advocate General.
14. Private Secretary to Advisor(S)/(F)/(B) & (BK) to the Lieutenant Governor.
15. Private Secretary to Secretary to the Government, General Administration Department.
16. Government Order/Stock file/Website, GAD.