



Government of Jammu and Kashmir,
Forest, Ecology & Environment Department
Civil Secretariat, Jammu/Srinagar

Consultant (Judicial),
Hon'ble National Green Tribunal,
Principal Bench, New Delhi.

No.FST-Lit/33/2023-02(7142037)

Dated.08-12-2023

Subject: O.A. No.93/2023- News item published in Newspaper 'The Hindu' dated 04.02.2023 titled "19 families shifted after houses in J&K village develop cracks."

Sir,

With reference to the subject captioned above, I am directed to enclose herewith a copy of Action Taken Report in compliance to the directions passed by Hon'ble National Green Tribunal in Order dated 02.11.2023 in OA No. 93/2023 titled In re: News item published in newspaper 'The Hindu' dated 04.02.2023 titled "19 families shifted after houses in J&K village develop cracks", with the request that the said position may kindly be placed before the Hon'ble Tribunal, for its kind consideration.

Yours faithfully,


8/12/23

(Dr. Harpreet Kaur)
Special Secretary (Technical)

Encls:As above.

Copy (with enclosures) to the:-

Shri G.M. Kawoosa, Additional Standing Counsel for Government of J&K in Hon'ble National Green Tribunal-Principal Bench, New Delhi, for information and necessary action.

Action Taken Report in compliance to directions passed by Hon'ble National Green Tribunal in OA No.93/2023 In re: News item published in Newspaper 'The Hindu' dated 04.02.2023 titled "19 families shifted after houses in J&K village develop cracks".

In compliance to the directions passed by the Hon'ble National Green Tribunal in the matter of O.A No.93/2023 titled In re: News item published in newspaper "The Hindu" dated 04.02.2023 titled "19 families shifted after houses in J&K village develop cracks", it is humbly submitted as follows:-

1. That the Hon'ble National Green Tribunal, on consideration of Action Taken Report submitted on 01.11.2023, passed Order on hearing the matter on 02.11.2023 as under:-

"..... The State is required to place the material before the Tribunal clarifying in such cases, SDRF norms will be applicable and also as to how once 14 cases were found to be eligible for relief, they have been denied the relief merely raising the technicality ignoring the humanitarian grounds".

Let the stand of the State in this regard along with all the supporting material be place on record by furnishing the fresh report within a period of four weeks.

Having regard to the issue involved in the matter, we direct Principal Secretary, Environment, State of J&K to appear through Virtual mode on the next date of hearing.

List this matter on 11.12.2023.

2. That the above order of Hon'ble National Green Tribunal was forwarded to Department of Disaster Management, Relief, Rehabilitation and Reconstruction and Divisional Commissioner, Jammu/Deputy Commissioner, Doda vide different communication's No.FST-Lit/33/2023-02-Forest Deptt. dated 17-11-2023 for information and necessary action. Copies of the letters are attached herewith as **Annexure-A**.
3. That a meeting to review the compliance of directions of the Hon'ble National Green Tribunal passed in O.A No.93/2023 In re: News item published in Newspaper 'The Hindu' dated 04.02.2023 titled "19 families shifted after houses in J&K village

develop cracks” was also held under the Chairmanship of Chief Secretary, J&K on 06.12.2023. The following decisions were taken in the meeting:-

1. *As per the earlier decision, Deputy Commissioner, Doda shall issue land allotment orders to all the landless affected families found not in possession of alternative land elsewhere, under PMAY(G) norms, without any further delay.*
2. *Relief, as per the SDRF norms, shall be settled in respect of all the 24 affected structures immediately, by the Deputy Commissioner.*
3. *Deputy Commissioner, Doda shall take appropriate action as above and submit a compliance report/ATR latest by 8.12.2023, indicating therein all the relief and rehabilitation measures taken by the District Administration so far.*

A copy of the Record Note is attached herewith as **Annexure-B**.

4. That Deputy Commissioner, Doda vide reference No. DCD/R/2023/931-32 dated 08.12.2023 (copy of the letter attached as **Annexure-C**) has submitted action taken report as under:-

- a) The affected families whose houses were damaged severely/ fully/ partially, were immediately shifted to nearby Govt. School building and Pre-fabricated shed. The Relief materials were also provided among the affected families as immediate assistance by the District Administration in addition the Meals were also provided to the affected families till they have shifted their native places/ made some alternative arrangements. The details of the immediate assistance provided are as under:

1. Blankets	=	100 nos.
2. Kitchen Sets	=	20 nos.
3. Bucket	=	20 nos.
4. Mug	=	20 nos.

- b) As per the report submitted by the Revenue functionaries regarding the damages at Nai Basti Thathri, 24 structures were affected, out of which 03 were fully damaged, 11 severely damaged and remaining 10 structures had minor damage. The details of affected structures as well as the landless families are as under:

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S.No.	Name of Head of Family with parentage	Residential Address	No of family members	Occupation	Type of land and (or) structure	Remarks
1.	Sh. Riaz Ahmed S/O Sh. Ghulam Hassan Shah	Joura Kalan A/P Thathri	06	Govt. employee	Residential House single story (No entry of land in the revenue record).	Fully damaged structure
2.	Sh. Tariq Hussain S/O Sh. Qutab Din	Malhota Tehsil Bhella A/P Thathri	05	Govt. employee	Kahchhari Land Residential House 02 story (Pacca)	Fully damaged structure
3.	Sh. Noor Mohd S/O Noor Ali	Thathri	06	J&K Police	Shamlat Deh Residential House 03 story (Pacca)	Fully damaged structure
4.	Sh. Shahdin S/O Hazoor Din	Chomoti Tehsil Drab Shalla A/P Thathri	05	Labourer	Shamlat Deh Residential House 04 story (Pacca)	Severely damaged structure
5.	Sh. Abdul Wahid S/O Hazoor Din	Chamoti Tehsil Drab Shalla A/P Thathri	07	Labourer	Shamlat Deh Residential House 03 storey (Pacca)	Severely damaged structure
6.	Sh. Abdul Kabir S/O Sh. Hazoor Din	Chomoti Tehsil Drab Shalla A/P Thathri	07	Labourer	Shamlat Deh Residential House 02 storey (Pacca)	Severely damaged structure
7.	Sh. Mohd Irfan S/O Sh. Mohd Ayoub	Sunarthawa Tehsil Chiralla A/P Thathri	02	Labourer	Kahchhari Land Residential House 01 storey (Pacca)	Severely damaged structure
8.	Sh. Shafqat Hussain S/O Sh. Mohd Ayoub	Sunarthawa Tehsil Chiralla A/P Thathri	05	Labourer	Kahchhari Land Residential House 01 storey (Pacca)	Severely damaged structure
9.	Sh. Mohd Ayoub S/O Sh. Gander Khan	Joura Khurad Tehsil Kahara	0	Govt. Service	Shamlat Deh (Sports Club Pacca)	Severely damaged structure
10.	Usmania Masjid Sharief	Usman Mohalla Nai Basti Thathri	N/A	N/A	02 Storey (Pacca) (Not entered in the revenue record)	Severely damaged structure

11.	Sh. Ali Mohd S/O Sh. Abdul Rashied	Thathri	12	Casual Labour in Shrine Board	Kahchhari Land Residential House 02 storey (Pacca)	Severely damaged structure/ landless
12.	Sh. Shams Din S/O Sh. Ab. Rashied	Thathri	04	Labourer	Kahchhari Land Residential House 02 storey (Kacha)	Severely damaged structure/ landless
13.	Sh. Mohd Iqbal S/O Sh. Abdul Rashied	Thathri	04	J&K Police	Kahchhari Land Residential House 03 storey (Pacca)	Severely damaged structure/ landless
14.	Sh. Mohd Imran S/O Sh. Ali Mohd	Thathri	03	Labourer	Kahchhari Land Residential House 01 storey (Kacha)	Severely damaged structure/ landless
15.	Sh. Jamsheed S/O Sh. Ghulam Qadir	Thathri	04	Labourer	Kahchhari Land Residential House 02 storey (Pacca)	Partially damaged structure/ landless
16.	Sh. Nazir Ahmed S/O Sh. Abdul Rashied	Thathri	04	SPO	Kahchhari Land Residential House 03 storey (Pacca)	Partially damaged structure/ landless
17.	Sh. Abdul Farooq S/O Sh. Abdul Subhan	Indralla A/P Thathri	05	Labourer	Shamlat Deh Residential House 01 storey (Pacca)	Partially damaged structure
18.	Sh. Mohd Ashraf S/O Sh. Nazir Ahmed	Darai Tehsil Gandoh A/P Thathri	06	Defence Service	Shamlat Deh Residential House 02 storey (Pacca)	Partially damaged structure
19.	Sh. Mohd Irfan S/O Sh. Bashir Ahmed	Joura Kalan Tehsil Kahara A/P Thathri	08	Ex- Serviceman	Shamlat Deh Residential House 03 storey (Pacca)	Partially damaged structure
20.	Javed Ahmed S/O Gandera Khan	Joura Khurd Tehsil Kahara A/P Thathri	N/A	Govt. Employee	No Damage	Red Zone/ Danger Zone
21.	Mansoor Ahmed S/O Ghulam Nabi	R/O Amrit Garh Tehsil Chiralla A/P Thathri	N/A	Govt. Employee	No Damage	Red Zone/ Danger Zone



22.	Riyaz Ahmed S/O Bashir Ahmed	Thathri	N/A	Ex-Service Man	No Damage	Red Zone/ Danger Zone
23.	Mohd Sharief S/O Shamas Din	Gosti Tehsil Chiralla A/P Thathri	N/A	-	No Damage	Red Zone/ Danger Zone
24.	Madrassa Girls	Thathri	N/A	-	No Damage	Red Zone/ Danger Zone

- c) As reported by Sub Divisional Magistrate Thathri there are 06 families, who were found to be landless. Alternate State land to the quantum of 05 marlas each has been allotted in favour of all these 06 landless families under prevalent PMAY(G) norms.
- d) In addition to the immediate relief as mentioned above which include boarding/lodging and all necessary relief like food, blankets, etc till the time they shifted to their relative's places on voluntary basis, relief amount as admissible under SDRF norms for various categories viz, Fully damaged, Severely damaged and Partially damaged (Kacha and Pacca) has been sanctioned for 19 cases that fell within the preview of SDRF and is under disbursement at present.


 (Dr. Harpreet Kaur) 8/12/23
 Special Secretary (Technical)



**Government of Jammu and Kashmir,
Forest, Ecology & Environment Department
Civil Secretariat, Jammu/Srinagar**

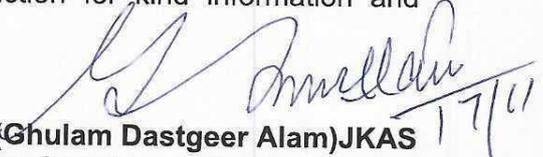
Annexure 'A'

**MOST URGENT
TIME BOUND**

O.M No.FST-Lit/33/2023-02-Forest Deptt.
Dated.17-11-2023

Subject: O.A. No.93/2023- In re: News item published in Newspaper 'The Hindu' dated 04.02.2023 titled "19 families shifted after houses in J&K village develop cracks."

The undersigned is directed to forward herewith a copy of order dated 02.11.2023 passed by the Hon'ble National Green Tribunal and received through e-mail dated 09.11.2023 from Consultant (Judicial), (N.G.T)(P.B), New Delhi, in the above noted subject, to Secretary to the Government, Department of Disaster Management, Relief, Rehabilitation and Reconstruction for kind information and necessary action.


(Ghulam Dastgeer Alam)JKAS
Deputy Secretary to the Government

**Secretary to the Government,
Department of Disaster Management,
Relief, Rehabilitation and Reconstruction.**

Encls:A/A.

69



Government of Jammu and Kashmir,
Forest, Ecology & Environment Department
Civil Secretariat, Jammu/Srinagar

**MOST URGENT
TIME BOUND**

Divisional Commissioner,
Jammu.

No.FST-Lit/33/2023-02-Forest Deptt.

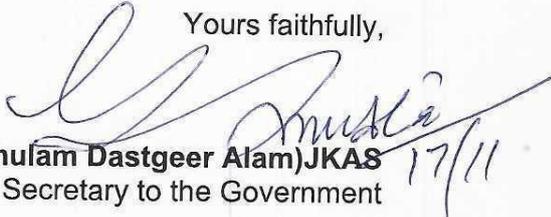
Dated.17-11-2023

Subject: O.A. No.93/2023- In re: News item published in Newspaper 'The Hindu' dated 04.02.2023 titled "19 families shifted after houses in J&K village develop cracks."

Sir,

I am directed to forward herewith a copy of order dated 02.11.2023 passed by the Hon'ble National Green Tribunal and received through e-mail dated 09.11.2023 from Consultant (Judicial), (N.G.T)(P.B), New Delhi, in the above noted subject for kind information and necessary action.

Yours faithfully,


(Ghulam Dastgeer Alam)JKAS
Deputy Secretary to the Government 17/11

Encl: As above.

Copy to the Deputy Commissioner, Doda for similar necessary action.



Government of Jammu and Kashmir,
Forest, Ecology & Environment Department
Civil Secretariat, Jammu/Srinagar

Record Note of the meeting held under the Chairmanship of Chief Secretary, J&K on 06.12.2023 at 05.45 PM, to review the compliance of directions of the Hon'ble National Green Tribunal passed in OA No.93/2023 In re: News item published in Newspaper 'The Hindu' dated 04.02.2023 titled "19 families shifted after houses in J&K village develop cracks".

A meeting to review the compliance of directions of the Hon'ble National Green Tribunal passed in O.A No.93/2023 In re: News item published in Newspaper 'The Hindu' dated 04.02.2023 titled "19 families shifted after houses in J&K village develop cracks" was held under the Chairmanship of Chief Secretary, J&K on 06.12.2023 at 05.45 PM in his office chambers at Civil Secretariat, Jammu.

The following officers were present in the Meeting:-

1. Principal Secretary to the Government, Forest Ecology & Environment Department.
2. Divisional Commissioner, Jammu.
3. Secretary to the Government, Department of Disaster Management, Relief, Rehabilitation and Reconstruction.
4. Deputy Commissioner, Doda.
5. Special Secretary (Tech.), Forest, Ecology and Environment Department.

At the outset, Principal Secretary to Government, Forest, Ecology & Environment Department apprised the chair and participants about the background of the case and the actions taken in pursuance to the directions passed by the Hon'ble National Green Tribunal in the matter from time to time.

It was submitted that the Hon'ble Tribunal, on consideration of Action Taken Report submitted on 01.11.2023, passed Order on hearing the matter on 02.11.2023 stating that on the issue of rehabilitation, the report is not clear as on one hand, 14 cases have been found eligible for relief and on the other hand, they have been denied the relief on the ground of applicability of SDRF norms. The Hon'ble Tribunal further ordered as follows:-

"The State is required to place the material before the Tribunal clarifying in such cases, SDRF norms will be applicable and also as to how once 14

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cases were found to be eligible for relief, they have been denied the relief merely raising the technicality ignoring the humanitarian grounds”.

The Chair was apprised that earlier, in compliance to directions issued by the Hon'ble National Green Tribunal in order dated 17.02.2023, a Joint Committee was constituted under the Chairmanship of Chief Secretary, J&K and with Principal Secretary, Forest, Ecology and Environment Department as Member-Convenor. The Committee also included expert members from various Institutions in the country. Regarding the issue of rehabilitation, the Report of the Joint Committee, which was submitted after approval before the Hon'ble Tribunal, mentioned that the total number of structures affected is 24 including 03 completely damaged structures, 11 having major cracks and 10 having minor cracks. Further, the Report recommended that the present residents of the affected 24 houses of Nai Basti, Thathri may be rehabilitated to a suitable safer location within the frame work of applicable laws.

Based on the Report, Deputy Commissioner, Doda has submitted in his Action Plan that the affected families may be provided relief for their damaged structures irrespective of title of the land. The submission was discussed in the meeting held under the Chairmanship of Chief Secretary, J&K on 19.10.2023 wherein it was mentioned that out of an initially reported 19 cases, after verification, 14 cases have been found eligible for release. However, none of the house owners are found to be owners of the land for which the houses have been build, the land being either Shamlat Deh or Kacharaie land. Further, in 05 cases, the occupants are landless and do not possess land elsewhere. In the meeting, it was decided that alternate land may be provided to the 05 cases of landless persons as per policy under PMAY(G).

The above status was submitted before the Hon'ble Tribunal vide Action Taken Report dated 01.11.2023.

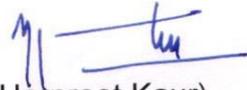
Now, the latest order mentioned above and the status of compliance of directions regarding rehabilitation were discussed thoroughly in the meeting, and inputs were taken from Secretary, Department of Disaster Management, Relief, Rehabilitation and Reconstruction and Deputy Commissioner, Doda in detail. Deputy Commissioner, Doda mentioned that there were 06 landless families instead of 05, as earlier reported. Deputy Commissioner briefed the meeting about the quantum of the assistance provided to the affected families so far. The decisions arrived at after deliberations are given as follows:-

1. As per the earlier decision, Deputy Commissioner, Doda shall issue land allotment orders to all the landless affected families found not in possession of alternative land elsewhere, under PMAY(G) norms, without any further delay.



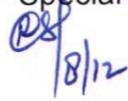
2. Relief, as per the SDRF norms, shall be settled in respect of all the 24 affected structures immediately, by the Deputy Commissioner.
3. Deputy Commissioner, Doda shall take appropriate action as above and submit a compliance report/ATR latest by 8.12.2023, indicating therein all the relief and rehabilitation measures taken by the District Administration so far

The meeting ended with a vote of thanks to the Chair.


(Dr. Harpreet Kaur)

Special Secretary (Technical)

No.FST/Lit/33/2023-02-Forest Deptt.

 Dated.08-12-2023

Copy to:-

1. Divisional Commissioner, Jammu.
2. Secretary to the Government, Department of Disaster Management, Relief, Rehabilitation and Reconstruction.
3. Deputy Commissioner, Doda.
4. Private Secretary to Principal Secretary to the Government, Forest, Ecology & Environment Department.
5. Stock file.

73
Government of Jammu and Kashmir
OFFICE OF THE DEPUTY COMMISSIONER DODA

Annexure 'C'

The Principal Secretary to Govt.
Forest, Ecology & Environment Department,
Civil Secretariat, Jammu/Srinagar

NO: DCD/R/2023/931-32

Dated: 08/12/2023

Sub: O. A. No. 93/2023-News item published in Newspaper "The Hindu" dated 04.02.2023 titled "19 families shifted after houses in J&K village develop cracks" and action taken thereof.

Ref: FST-Lit/33/2023-02-Forest Deptt. Dated 17.11.2023.

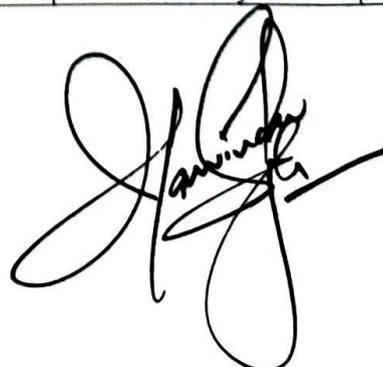
Sir,

Kindly refer to the subject and reference cited above. In this regard, the action taken report is submitted as under:

1. The affected families whose houses damaged severely/ fully/ partially, were immediately shifted to nearby Govt. School building and Pre-fabricated shed. The Relief materials were also provided among the affected families as immediate assistance by the District Administration in addition the Meals were also provided to the affected families till they have shifted their native places/ made some alternative arrangements. The details of the immediate assistance provided are as under:
 - i. Blankets = 100 nos.
 - ii. Kitchen Sets = 20 nos.
 - iii. Bucket = 20 nos.
 - iv. Mug = 20 nos.
2. As per the report submitted by the Revenue functionaries, regarding the damages at Nai Basti Thathri, 24 structures were affected, out of which 03 Fully damaged, 11 Severely damaged and remaining 10 structures (05 partially damaged and 05 in danger zone). The details of affected structures as well as the landless families are as under:

S. No	Name of Head of Family with parentage	Residential Address	No of family members	Occupation	Type of land and (or) structure	Remarks
1.	Sh. Riaz Ahmed S/O Sh. Ghulam Hassan Shah	Joura Kalan A/P Thathri	06	Govt. employee	Residential House single story (No entry of land in the revenue record).	Fully damaged structure

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2.	Sh. Tariq Hussain S/O Sh. Qutab Din	Malhota Tehsil Bhella A/P Thathri	05	Govt. employee	Kahchhari Land Residential House 02 story (Pacca)	Fully damaged structure
3.	Sh. Noor Mohd S/O Noor Ali	Thathri	06	J&K Police	Shamlat Deh Residential House 03 story (Pacca)	Fully damaged structure
4.	Sh. Shahdin S/O Hazoor Din	Chomoti Tehsil Drab Shalla A/P Thathri	05	Labourer	Shamlat Deh Residential House 04 story (Pacca)	Severely damaged structure
5.	Sh. Abdul Wahid S/O Hazoor Din	Chamoti Tehsil Drab Shalla A/P Thathri	07	Labourer	Shamlat Deh Residential House 03 storey (Pacca)	Severely damaged structure
6.	Sh. Abdul Kabir S/O Sh. Hazoor Din	Chomoti Tehsil Drab Shalla A/P Thathri	07	Labourer	Shamlat Deh Residential House 02 storey (Pacca)	Severely damaged structure
7.	Sh. Mohd Irfan S/O Sh. Mohd Ayoub	Sunarthawa Tehsil Chiralla A/P Thathri	02	Labourer	Kahchhari Land Residential House 01 storey (Pacca)	Severely damaged structure
8.	Sh. Shafqat Hussain S/O Sh. Mohd Ayoub	Sunarthawa Tehsil Chiralla A/P Thathri	05	Labourer	Kahchhari Land Residential House 01 storey (Pacca)	Severely damaged structure
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10.	Usmania Masjid Sharief	Usman Mohalla Nai Basti Thathri	N/A	N/A	02 Storey (Pacca) (Not entered in the revenue record)	Severely damaged structure
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20.	Javed Ahmed S/O Gandera Khan	Joura Khurd Tehsil Kahara A/P Thathri	N/A	Govt. Employee	No Damage	Red Zone/ Danger Zone
21.	Mansoor Ahmed S/O Ghulam Nabi	R/O Amrit Garh Tehsil Chiralla A/P Thathri	N/A	Govt. Employee	No Damage	Red Zone/ Danger Zone
22.	Riyaz Ahmed S/O Bashir Ahmed	Thathri	N/A	Ex-Service Man	No Damage	Red Zone/ Danger Zone
23.	Mohd Sharief S/O Shamas Din	Gosti Tehsil Chiralla A/P Thathri	N/A	-	No Damage	Red Zone/ Danger Zone
24.	Madrassa Girls	Thathri	N/A	-	No Damage	Red Zone/ Danger Zone

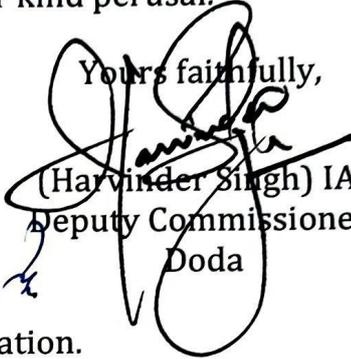
3. As per the decision taken in the meeting held on 06-12-2023, under the Chairmanship of Chief Secretary, J&K to review the compliance of the directions of the Hon'ble National Green Tribunal passed in OA No. 93/2023, In News item published in the Newspaper "The Hindu" dated 14-02-2023, In News item published in the Newspaper "The Hindu" dated 14-02-2023, titled "19 families shifted after houses J&K village develop cracks". on 19.10.2023, and the minutes issued vide No. FST/Lit/33/2023-02-Forest Deptt. dated 08-12-2023, the following decisions arrived at after deliberation are as under:
- As per the earlier decision, Deputy Commissioner Doda issue land allotment orders to all the landless affected families found not in possession of alternative land elsewhere, under PMAY (G) norms, without any further delay.
 - Relief, as per the SDRF norms, shall be settled in respect of all the 24 affected structures immediately, by the Deputy Commissioner.
4. As reported by Sub Divisional Magistrate Thathri there are 06 families, who were found to be landless. Alternate State land to the quantum of 05 marlas each has

been allotted in favour of all these 06 landless families under prevalent PMAY (G) norms.

5. In addition to the immediate relief as mentioned above which include boarding/lodging and all necessary relief like food, blankets, etc till the time they shifted to their relative's places on voluntary basis, relief amount as admissible under SDRF norms for various categories viz, Fully damaged, Severely damaged and Partially damaged (Kacha and Pacca) has been sanctioned for 19 cases that fell within the preview of SDRF and is under disbursement at present.

Hence, the action taken report is submitted for your kind perusal.

Yours faithfully,


(Harvinder Singh) IAS,
Deputy Commissioner,
Doda

Copy to the:

1. Divisional Commissioner Jammu for kind information.