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Jammu and Kashmir Pollution Control Committee

Parivesh Bhavan, Forest Complex || Silk Factory Road
Transport Nagar, Jammu, 180 006 || Rajbagh, Srinagar, 190 008

Tel - 0191-2476927; mail - membersecretaryjkspcb@gmail.com

The Consultant (Judicial)
Hon'ble National Green Tribunal (P.B)
New Delhi.

No:- JKPCC/NGT/OA163/ 400-401

Date:- 12-06-2024

Subject:- Compliance Report on behalf of Jammu and Kashmir Pollution Control Committee pursuant to Hon'ble National Green Tribunal dated 13-03-2024 passed in OA No. 163 of 2024 titled "Rasikh Rasool Bhat V/s Union Territory of Jammu and Kashmir & Ors."

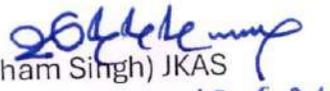
Sir,

In compliance to Hon'ble National Green Tribunal Order dated 13-03-2024 passed in OA No. 163 of 2024 titled "Rasikh Rasool V/s Union Territory of Jammu and Kashmir & Ors.", kindly find enclosed the Compliance Report of Jammu and Kashmir Pollution Control Committee.

It is requested that the compliance Report may kindly be taken on record and place before the Hon'ble NGT for consideration.

Yours faithfully,

Encl:- As above.


(Ghansham Singh) JKAS
Member Secretary 12.6.24

Copy to the:-

1. Sh. Parth Awasthi, Government Standing Counsel for UT of Jammu and Kashmir, New Delhi for information and necessary action.

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

Original Application No. 163 of 2024

IN THE MATTER OF

**Rasikh Rasool Bhat V/s Union
Territory of Jammu and Kashmir
& Ors.**

Compliance Report on behalf of Jammu and Kashmir Pollution Control Committee pursuant to Hon'ble National Green Tribunal Order dated 13-03-2024 passed in OA No. 163 of 2024 titled "Rasikh Rasool Bhat V/s union Territory of Jammu & Kashmir & Ors".

Background:

That the Hon'ble National Green Tribunal vide order dated 25-04-2024 in **OA No. 163 of 2024** issued following directions: -

"7. Applicant is also directed to implead Jammu & Kashmir, Pollution Control Committee (J&KPCC) through its Member Secretary and serve the newly added respondent within 10 days.

8. Learned Counsel appearing for Forest Department, J&K has submitted that further report reflecting the position of environmental clearance and extraction of gravel will be filed within four weeks.

9. Report on behalf of Geology and Mining Department, Kupwara has been filed but no material has been disclosed in that report.

10. Newly added responded will file the report within a period of five weeks covering all the point including the issue of grant of environmental clearance, extraction of gravel, cutting /damaging the trees and causing other environmental violations in the execution of the project.

11. List on 07.08.2024."

In compliance to the directions of the Hon'ble NGT, a three member committee headed by Regional Director, PCC, Kashmir was constituted and directed to visit the area and furnish a comprehensive report as per the (ToRs) terms of the reference mentioned below vide this office order vide endorsement no. JKPC/NGT/24/22/25 dated 27-05-2024 (**copy enclosed as Annexure 'A'**) :-



Terms of Reference:-

- i) *The committee shall inspect the ongoing road work mentioned above and prepare a comprehensive report of the spots / locations where cutting of hill slopes has been done by the R&B Department without taking protective measures.*
- ii) *To submit in the report regarding protection measures, viz., retaining walls / protection bunds at vulnerable places leading to landslides & soil erosion during the execution of road work.*
- iii) *To submit the details of disposal of muck generated during cutting of hill slopes / construction of road work at designated sites and permission there off from the concerned department.*
- iv) *To verify the reports of DFO Langate regarding extra earth cutting and extraction of gravel / minor mineral by R&B Handwara with or without proper permission from the Mining Department.*
- v) *To verify whether the project has obtained environmental Clearance.*
- vi) *To verify, if any illegal cutting of trees / damage to tree has occurred during the execution of the project.*
- vii) *To verify that excavation of riverbed sediments being carried out are only from stream bed of Tali River (Bakhakar – zachaidara) which is outside from the boundaries of demarcated forests of Rajwar Forest rang as per the report of DFO.*

The three members committee headed by the Regional Director, PCC, Kashmir submit its report vide No. PCC/RDK/PS/2024/405-408 dated 04-06-2024. The report of the committee is enclosed as **Annexure 'B'**.

In pursuance of the directions of the Hon'ble NGT dated 24-04-2024, the status report on the issued specified in the order is as under:-

- i) **Grant of environmental clearance.**
 - a) Project does not have Environmental Clearance.
 - b) Environmental clearance is required for all new State Highway Projects from the State Environment Impact Assessment Authority (SEIAA).

The J&K Pollution Control Committee took up the matter with Chief Engineer, PWD (R&B) Department, Kashmir vide letter No. JKPC/NGT/24/ 97 dated 05-06-2024 and requested to provide the following information:-



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- i) Definition and specification of State Highways as applicable in the Union Territory of Jammu and Kashmir.
- ii) Whether the Handwara- Bangus road under construction is a state highway or not.
- iii) Classification under which the Handwara-Bangus roads falls.

In reference to the communication of J&K PCC, the Executive Engineer, PWD (R&B) Department Handwara vide his no. 923-25 dated 07-06-2024 addressed to the Chief Engineer, PWD (R&B) North Kashmir with a copy to the J&K PCC submitted as under:- (Copy enclosed as Annexure 'C')

S. No.	Information required	Information answered
1)	Definition and specification of State Highways as applicable in the Union Territory of Jammu and Kashmir.	<p>State Highway constitutes the secondary system of road transportation in the J&K. The State highways provide linkage with the national highways District headquarter of the State and important towns and tourist centres, these State highways also carry medium to Heavy traffic. It is assessed that this secondary system of roads carries about 40% of total road traffic which is the major carriers of the road traffic within the Union Territory and with some neighbouring State / UTs traffic.</p> <p>Specifications:-</p> <p>The State highway should have a minimum road width of 12m in build up area and 15m in open country with isolated built-up area. The carriage width of the road should be 7m (Double Lane). The state highways are designated by 'SH'.</p>
2)	Whether the Handwara-Bangus road under	No. the Handwara- Bangus Road is not a state highway.

	construction is a state highway or not.	
3)	Classification under which the Handwara-Bangus roads falls.	Handwara-Bangus road falls in major District Road (MDR). This road is a Tourist corridor to Bangus which is a designated Tourist place of UT of J&K.

In view of the above clarification, the road in question does not fall under the category of State Highway.

ii) **Extraction of gravels.**

Similarly, District Mineral Officer, Kupwara was asked to furnish a report vide this office No. JKPC/Sc./OA/163-2024/24/26-28 dated 27-05-2024. The District Mineral Officer, Kupwara has furnished a report vide No. DMO / Kup / NGT / LC / 24 / 228 dated 29-05-2024 (**Copy enclosed as Annexure 'D'**). As per the report of the District Mineral Officer, Kupwara, three disposal permits i) *Permit No. 153 dated 26-12-2023 for removal of 4992 MTS N/ Muck*, ii) *Permit No. 180 dated 15-01-2024 for removal of 800 MTS N/Muck from Nallah Talri* and iii) *Permit No. 175 dated 1-1-2024 for removal of 800 MTS N/Mukh Nallah Talri* have been issued. The District Mineral Officer, Kupwara has issued the disposal permits in exercise of the power under Rules 56(2) (i) of J&K Minor Mineral Concession, Storage, Transportation Mineral and Prevention of illegal mining Rules 2016 read with SO 1224 (E) dated 28-03-2020 issued by the Ministry of forest, Environment, Ecology and Climate Change (MoEF&CC) GoI, for de-siltation of nallah.

iii) **Cutting / damaging the trees.**

As per the report of committee headed by Regional Director, J&K PCC, Kashmir during inspection no fresh stamps / stumps coming in the alignment of the said road have been observed. That the said road project was started in year 2019 and the cutting is almost complete, as such at this stage of project, the illegal cutting of trees cannot be verified. The record placed by the Divisional Forest Officer (DFO), Langate reveals that total 1023 Deodar, Kail and fir trees of difference dia

class including poles / saplings were extracted during the construction of the said road vide Government Order No. 281-FST of 2019 dated 24-09-2019 in accordance with the Jammu and Kashmir Forest (Conservation) Act, 1997.

It has been further reported that during execution / construction of the said road, the user agency has damaged 5 no. of fir trees of different dia – class in compartment no. 26 Rajwar and damage bill of Rs. 225890.00 has also been raised against the user agency and matter has been taken up with the Executive Engineer / Chief Engineer, PWD (R&B) Department, Kashmir and FIR no. 449 of 2018 dated 30-11-2018 has been lodged against the construction agency i.e JK Constructions in Police Station Handwara.

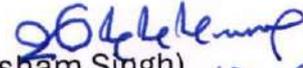
iv) Other environmental violations in the execution of the project.

That the user agency during the execution of the road have not constructed retaining / breast walls especially at vulnerable places which was also condition no. 8 of the Government order No. 281-FST of 2019 dated 24-09-2019 and soil erosion has resulted due to absence of protective measures. The protection wall as per report have been raised at places where culverts have been constructed. Besides, no muck dumping sites have been established except at one point where muck was found thrown on the left of the road on down slopes. However, the Supervisor of the PWD (R&B) Department accompanying the inspection team has stated that the muck generated during the earth cutting has been completely utilized in filling up of the uneven surface of the road.

That extra earth cutting has been reported mostly on curves and DFO Langate has taken the cognizance and identified locations of the said road in compartment 25 / Rajwar with total area of 0.35 Hac (7 Kanals) with extra earth cutting for which an amount of RS. 480343/- has been evaluated by the Range Officer Handwara and FIR No. 239/2023 dated 25-10-2023 has been lodged in the Police Station, Handwara.

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) 12.6.24
Member Secretary
J&K PCC

**Jammu and Kashmir
Pollution Control Committee**

chairman87jkspcb@gmail.com
membersecretaryjkspcb@gmail.com
0191 – 2472881, 2476925



Parivesh Bhavan, Forest Complex
Transport Nagar, Jammu, 180 006

Silk Factory Road
Rajbagh, Srinagar, 190 008

OFFICE ORDER

Sub.: OA No. 163/2024 titled Rasikh Rasool Bhat V/s Union Territory of Jammu and Kashmir & Ors.

A Committee of following officers is hereby constituted to prepare a comprehensive report in above referred OA regarding construction of Handwara -Bangus road.

1. Sh. Abhijeet Joshi, Regional Director, PCC, Kashmir.
2. Sh. Bashir Ahmad Wani, Scientist 'B' J&K PCC Srinagar.
3. Sh. Khurshid Ahmed Ganai, Divisional Officer PCC Shopian.

The Committee shall visit the area mentioned above and prepare a comprehensive report as per the terms of reference mentioned below. The D.O. concerned shall assist the committee during the visit and update with the requisite information.

The committee shall submit its report by **4th June, 2024**.

Terms of Reference: -

- i) The committee shall inspect the ongoing road work mentioned above and prepare a comprehensive report of the spots / locations where cutting of hill slopes has been done by the R&B Department without taking protective measures.
- ii) To submit in the report regarding protection measures, viz., retaining walls / protection bunds at vulnerable places leading to landslides & soil erosion during the execution of road work.
- iii) To submit the details of disposal of muck generated during cutting of hill slopes / construction of road work at designated sites and permission there off from the concerned department.
- iv) To verify the report of DFO Langate regarding extra earth cutting and extraction of gravel/minor mineral by R&B Handwara with or without proper permission from the Mining Department.
- v) To verify whether the project has obtained Environmental Clearance.
- vi) To verify, if any illegal cutting of trees/damage to tree has occurred during the execution of the project.
- vii) To verify that excavation of river bed sediments being carried out are only from stream bed of Tali River (Bakhakar – zachaidara) which is outside from the boundaries of demarcated forests of Rajwar Forest rang as per the report of DFO.


(Ghansham Singh) JKAS
Member Secretary

27.5.24

No:- JKPCC/NGT/24/ 22-25
Copy to the:-

Dated: 27-05-2024

1. Regional Director, PCC Kashmir for information.
2. Sh. Bashir Ahmad Wani, Scientist 'B' J&K PCC Srinagar for compliance.
3. Sh. Khurshid Ahmad Ganai, Divisional Officer, PCC Shopian for compliance.
4. PA to Chairman for information of the Chairman J&K PCC.



Government of Jammu & Kashmir
J&K POLLUTION CONTROL COMMITTEE

OFFICE OF THE REGIONAL DIRECTOR - KASHMIR

Sheikh-ul-Alam Campus, Rajbagh, near Government Silk Factory, Srinagar-190008
www.jkspcb.in Email: regionaldirectorkmr@gmail.com, Tel/fax 0194-2311842



Member Secretary
JK, Pollution Control Committee
Jammu

No:- PCC/RDK/PS/2024/ 405-408

Dated:- 04-06-2024

Subject:- **OA No. 163/2024 titled Rasikh Rasool Bhat V/s Union Territory of Jammu and Kashmir & Ors.**

Reference:- Your Office Order issued vide No. JKPC/NGT/24/22-25 dated 27-05-2024.

Sir,

With regard to the subject and reference captioned above, the undersigned alongwith the committee members visited Handwara-Bungus Road on **29-05-2024** for on spot inspection of ongoing road work and a compressive report has been prepared in light of the terms and references laid down in the order under reference is enclosed herewith for further course of action please.

Yours faithfully

ALO/SA (G)

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5-6-24

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(Abhijeet Joshi) SFS
Regional Director, PCC
Kashmir
04/06/24

Encl:- (AA)
Copy to the:-

1. Chief Conservator of Forest Kashmir for information.
2. Divisional Officer, JKPC Kupwara for information
- 3 PA to Chairman, JK PCC Jammu for information of the worthy Chairman.

Comprehensive Report:-

Handwara Bangus road is approved by **Central Ministry of Road, Transport and Highways** and is sanctioned under **JK Forest Conservation Act vide Government Order No. 281-FST of 2019 dated: 24-09-2019**. Total 14 Hectares forest area belonging to compartment 2, 3a & 3b, 4, 5, 6, 10, 11, 12, 13, 14, 15, 16, 24, 25 and 26 of Rajwar Forest Range is involved in the construction of the said road.

The road is under construction of 42 Km in length with takeoff point from Chotipora Handwara to Bungus Valley. During inspection it has been found that first 3.7 Km of the road is macadamized and ahead of this it is with stone soling upto 17 Km and the rest of the length of the road is found neither macadamized nor covered with stone soling but nallah muck was found in stacks along the whole length. Further the said road in some areas has been found passing through private land and forest land and habitation was found near Nagaranar Lake and Bhadarkali Lake.

Moreover, following observations with respect to the terms of reference as per office order no. JKPCC/NGT/24/22-25 dated: 27-05-2024 has been noticed:-

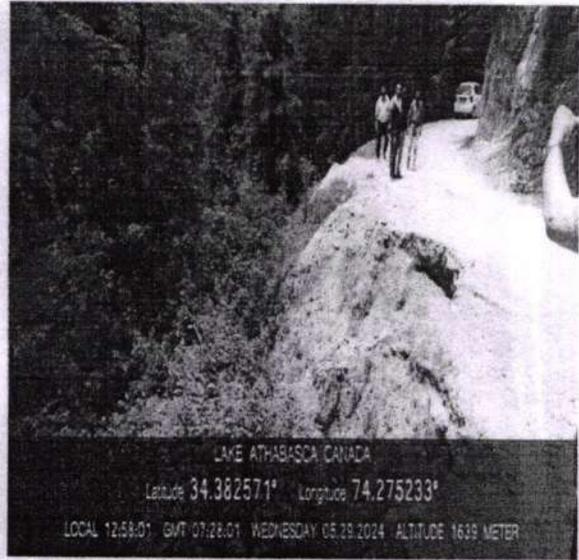
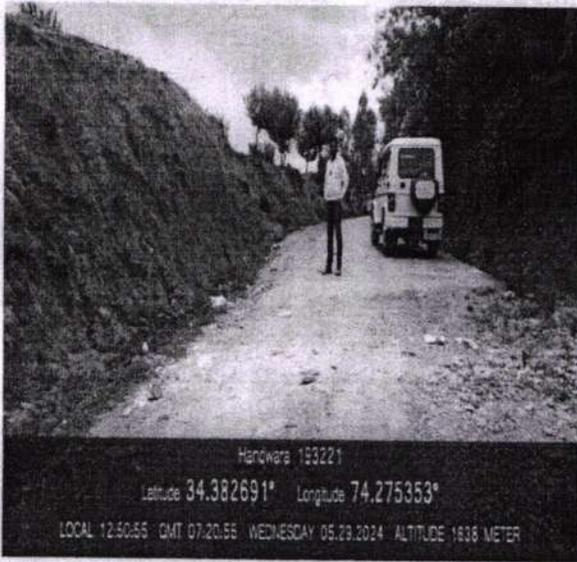
1. The ongoing road was inspected on 29-05-2024 during which it has been found that the cutting of Hill slopes has been done by the R&B Department all along the road without adopting protective measures. The detailed photographs depict the condition of the road which reveals that the earth cutting work has been completed. It has been found that extra earth cutting has been done on horizontal curves. During the course of inspection on three spots it was recorded that the average width of the said road ranges from 15 ft to 18 ft, however at curves the width exceeds the average width. Photographs are enclosed to depict the ground position.



Road on curve



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Road width ranging from 15 ft to 18 ft

2. It has been observed that during execution of work no protection measure has been adopted /executed by the User agency except in the beginning of the road a protection bund in a small stretch is under construction. The protection walls have been found at the places where culverts have been constructed, which reveals that the protection walls have also been raised for retaining the soil at approaches and protection of the culvert constructed. But the requisite retaining/ breast walls especially at the vulnerable places have not been yet provided, although it was the **condition no. 8 of Government Order No. 281-FST of 2019 dated: 24-09-2019 (Annexure A)** which has not been fulfilled on the spot by the user agency. Photographs enclosed depict the soil erosion caused due to earth cutting without necessary measures.



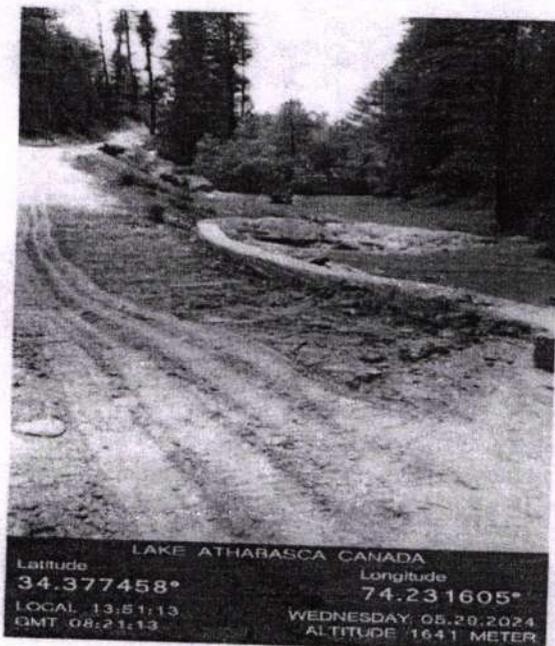
Protection Walls under construction

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Soil Erosion

3. During inspection of the road no muck dumping site has been found all along the road except at one point where muck was found thrown on the left of the road down slope. During conversation with works supervisor of the concerned R&B Department accompanying the team acknowledged that the muck generated during the earth cutting has been completely utilized in filling of the uneven surfaces of the road.



Muck utilized in road surface

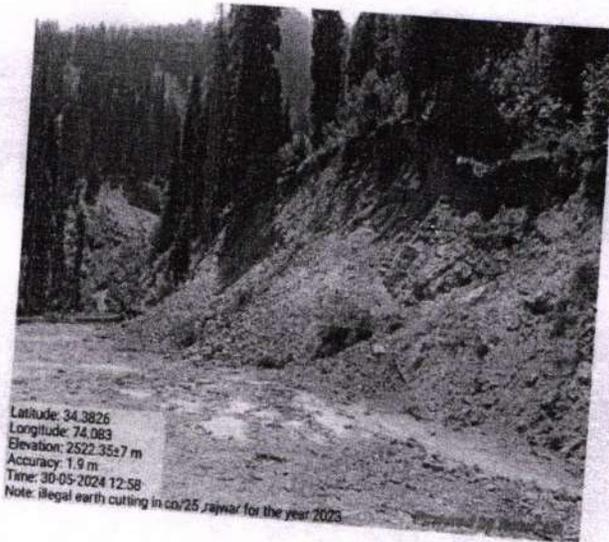
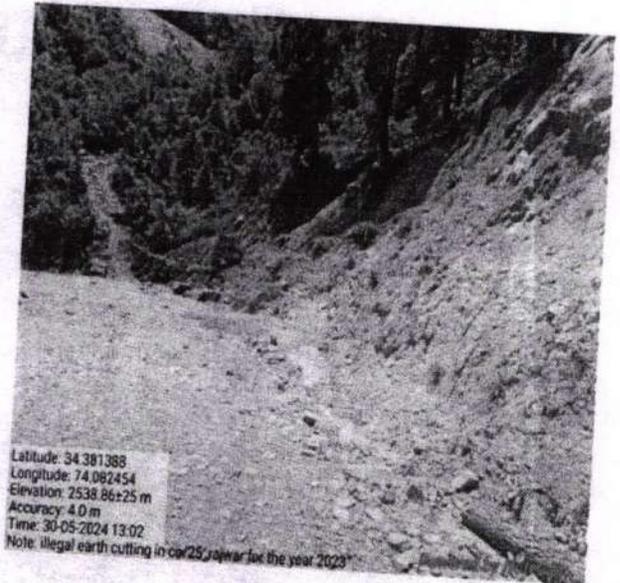
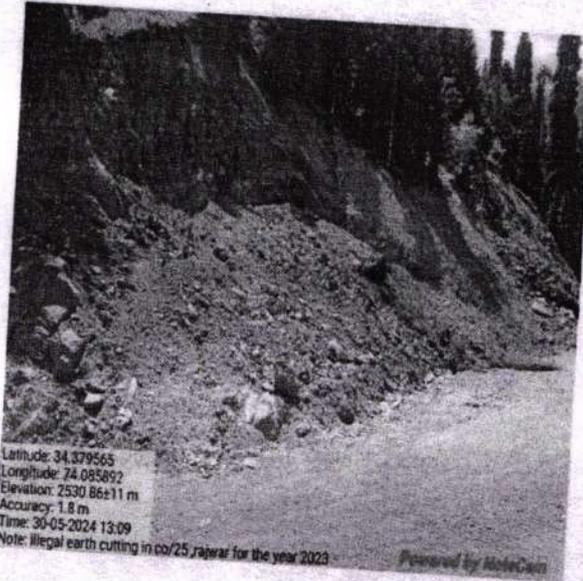


Muck thrown down slope

4. That regarding extra earth cutting which has been found mostly on curves and the DFO Langate has taken the cognizance and identified six location of said road in

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compartment 25/ Rajwar with total area of 0.35 Hac (7 Kanals) with extra earth cutting vide office letter no. DFO/LGT/Estt/2024-25/265-69 date: 23-04-2024 (copy enclosed for ready reference as Annexure B). Further, a letter has also been received from DMO Kupwara which reads that no such permission for earth cutting in compartment no. 25/ Rajwar has been granted by Geology and Mining Department (copy enclosed as Annexure C). The photographs of the said locations are hereby also enclosed.



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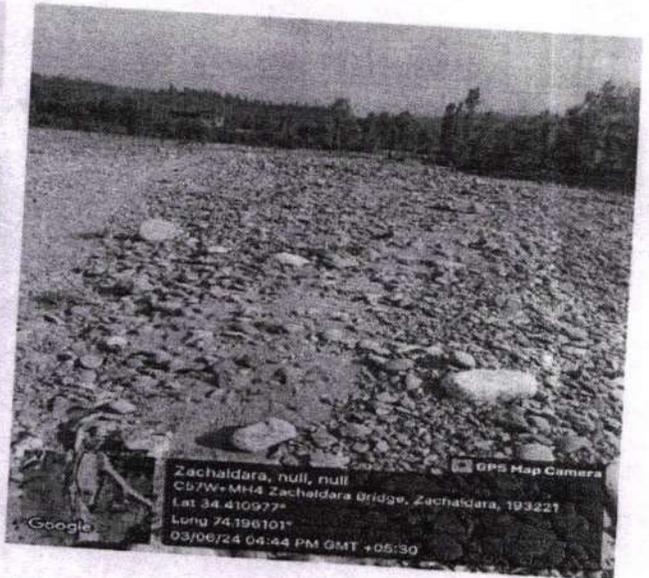
5.No Environmental Clearance (EC) has been produced by the user agency. As verified from all the stake holders, no Environmental Clearance (EC) has been issued to the said project by the Competent Authority till date.

6.During inspection no fresh stumps/ stumps coming in the alignment of the said road have been observed. Since the said road project was started in 2019 and earthwork/ cutting is almost complete, as such at this stage of the project the illegal cutting of trees cannot be verified. The record placed by DFO Langate reveals that total 1023 Deodar/ Kire/ Fur trees of different dia class including poles/ saplings were extracted during the construction of the said road as per Government Order No. 281-FST of 2019 dated: 24-09-2019 by following proper procedure. The administratively approved markings were handed over to JK Forest Development Corporation (the erstwhile State Forest Corporation) for extraction purpose. It is further reported that as per records during execution/ construction of said road the User agency has damaged 05 No's of Fir trees of different Dia-class in Co. 26/ Rajwar and damage bill of Rs. 225890.00 has been raised / charged against the user agency and matter has been taken up with the Executive Engineer, Chief Enginner PWD Kashmir.

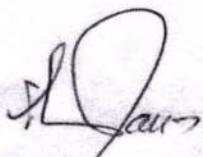
7. Regarding the lifting of river bed material three disposal permits have been issued by the concerned District Mineral Officer Kupwara vide disposal Permit No. 153 dated: 28-11-2023, Permit No. 180 dated: 08-01-2024 and Permit No. 175 dated 01-01-2024 copies of the same received from District Office Geology and Mining Department Kupwara are enclosed as Annexure D, E, and F respectively under letter no. DMO/Kup/NGT/LC/24/232 dated: 30-05-2024, supported with geo-tagged photographs are hereby enclosed. Further it has been certified by the concerned DMO that the material has been lifted for Handwara Bungus road by the R&B Department through JK Construction Company from Talri Nallah at the same locations. However

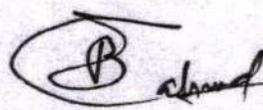
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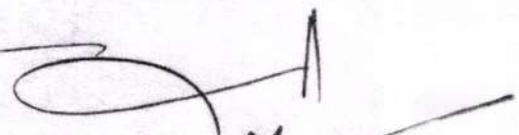
during inspection the team did not find any type of excavated spot at present. Further, it has been verified from the office of DFO concerned that excavation of river bed sediments from the said Nallah is outside the boundaries of demarcated forests of Rajwar Forest Range. Also geo-tagged photographs taken during the inspection depict the same is also enclosed.



Minor minerals extraction sites produced
& verified by DMO Kupwara & District
Officer JKPC Kupwara


Khursheed Ahmed Ganie
District Officer
JKPC Shopian


Bashir Ahmed Wani
Scientist B
JKPC Srinagar


Abhijit Joshi SFS
Regional Director
JKPC Kashmir Division

AMMA

Government of Jammu and Kashmir
Department of Forest, Environment & Ecology
Civil Secretariat, Jammu / Srinagar.
www.jkforestadm.nic.in

Subject:- Use of 14 Ha. of forest land for construction of road from Handwara to Bangus Phase 1st by PWD (R&B) in Langate Forest Division.

- Reference: (i) Minutes of the 102nd meeting of the Forest Advisory Committee held on 06.09.2017 under the Chairmanship of Chief Secretary J&K, issued by the Chief Conservator of Forests/Nodal Officer (FCA) vide No. PCCF/FCA/2450/4143-63 dated 12.09.2017.
(ii) Cabinet Decision No. 178/11/2017 dated 03.10.2017.
(iii) State Administrative Council Decision No. 189/19/2019 dated 30.07.2019

Government Order No: 281-FST of 2019
Date d:- 24 -09-2019

Sanction is hereby, accorded to the use of 14 Ha. of forest land for construction of road from Handwara to Bangus Phase 1st by PWD (R&B) in Langate Forest Division with the following particulars subject to the terms and conditions appearing hereinafter to the Forest Department -

Particulars of the Proposal:

1. User Agency/Applicant	PWD (R&B) Kashmir
2. Location	Comptt. 2,3a,3b,4,5,6,10,11,12,13,14, 15,16,24,25,26/Rajwar Range : Rajwar Block : Handwara Division : Langate Forest Division District : Kupwara.
3. Objective	The road will convert the destination into major tourist attraction as Gulmarg and with much wider meadows and vast majority of flora and fauna. The road will benefit population of 80,000 people.
4. Salient Features of the project:	
I Total Length of the road	35.50 Km.
II Length of the road through Forest land	28000 Mtrs.

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Width of the road	54.00 Mtrs.
Therefore forest land required for road	14 Ha.
Area proposed for the Muck disposal sites on Forest Land	Nil. The PWD Department has given a certificate that the alignment of road from Handwara to Bangus phase 1 st by way of earth work in cutting and filling as such no surplus muck disposal site is required.
Total forest area involved in the proposed project	14 Ha.
Protection work	The User Agency shall provide the protection on the forest land by retaining walls and crush barriers as given in the DPR.
Crop Density of the area	Very Dense
a Whether the forest land proposed to be used for non forest purpose forms part of a natural reserve, national park, wildlife sanctuary, biosphere reserve or forms part of the habitat of any endangered or threatened species of flora and fauna or any area lying in severely eroded catchment.	No
b Whether the use of any forest land is for agriculture purposes or for the rehabilitation of displaced persons.	No
c Whether the Principal Chief Conservator of Forests had certified that it has, considered all other alternatives and that no other alternative in circumstances are feasible and that the required area is the minimum needed for the purposes, and,	Yes
d Whether the department or authority requisitioning forest land for non forest uses undertakes to provide at its own cost acquisition of an equivalent area and afforestation thereof.	The User Agency requisitioning forest land for non-forest purpose has not undertaken to provide cost of acquisition at its own. It has however agreed to provide cost of afforestation on double the forest area. Further it has also undertaken to pay the NPV as per the Hon'ble Supreme court directions.




Number of Trees / Poles/ Saplings involved.

Species	Trees (30-40cm & above)	Poles (20-30cm & 10- 20cm)	Saplings (0-10cm)	Total
Deodar	137	217	175	529
Kail	43	92	38	173
Fir	267	31	23	321
Total	447	340	236	1023

Net Present Value of forest land involved:

Comptt. No.	Area involved (Ha.)	Crop Density	Eco-Value Class	Rate/ Ha (Rs. In Lac)	Amount (Rs.)
2,3a,3b,4,5, 6,10,11,12,1 3,14,15,16, 24, 25,26/Rajwa r	14	Very Dense	V	9.39	1,31,46,000/-
8. Compensatory Afforestation for double the forest area i.e 28 @ Rs. 1 Lac per Ha.					Rs. 28,00,000/-
9. Compensation of trees/poles/saplings					Rs 53,67,360/-
10. Road side avenue plantation @ 6.00 Lac per Km.					Rs.1,68,00,000/-

The User Agency shall pay the amount summarized below to the Forest Department:-

S.No.	Component	Amount
i.	Net Present Value	Rs.1,31,46,000/-
ii.	Compensatory Afforestation	Rs. 28,00,000/-
ii.	Compensation of trees	Rs.53,67,360/-
iii.	Road Side Avenue Plantation	Rs.1,68,00,000/-
Total		Rs. 3,81,13,360/-

Terms and Conditions:-

1. The proprietary and legal status of forest land shall remain unchanged.
2. 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.
3. The forest land shall be utilized only for the purpose for which it has been indented ~

mf
JLK

4 The forest land... mortgaged, reassigned, leased... released by user agency in
5 any manner what so ever to any other agency. 56 118
6 The User Agency shall pay the amount summarized above to the Forest Department.
7 The User Agency shall pay the additional amount of NPV, if so determined as per decision of
8 the Hon'ble Supreme Court of India.

- (i) The extraction of the trees /poles/saplings shall be done by the State Forest Corporation/Divisional Forest Officer concerned on the basis of markings administratively approved by the Chief Conservator of Forests, Kashmir. 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. Efforts shall be made to reduce the number of trees coming in the alignment by 20%
- (ii) 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.
- 9 The User Agency shall construct retaining walls/breast walls on forest land and take all necessary steps to check soil erosion which may result due to proposed construction.
- 10 Any damage done to the forest by the User Agency or its contractors shall be charged from the User Agency @ 10 times the standard rate of 1992.
- 11 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.
- 12 The User Agency shall be responsible for obtaining requisite clearances under any other law in vogue before commissioning of the project.
- 13 The approval will remain valid for one year and in case the due amount against the project summarized above is not paid within the stipulated period the approval shall be deemed to have been cancelled.

By order of the Government of Jammu & Kashmir.

Sd/-
(Manoj Kumar Dwivedi)IAS
Commissioner / Secretary to Government
Forest, Environment & Ecology Department.
Dated:- 24 -09-2019

No:FST/Land/44/2017

Copy to the:-

1. Secretary to the Government of India, Ministry of Environment, Forests and Climate Change, New Delhi.
2. Commissioner/Secretary to Government, PWD(R&B) Department.
3. Principal Chief Conservator of Forests, J&K, Srinagar
4. Chief Conservator of Forests, Kashmir
5. CCF/Nodal Officer, FCA, office of the PCCF, J&K, Srinagar
6. Director, Archives, Archaeology & Museums J&K, Srinagar
7. Chief Engineer, PMGSY, Kashmir.
8. Officer on Special Duty with the Advisor (K) to Hon'ble Governor.
9. Private Secretary to the Chief Secretary (Chairman FAC).
10. Pvt. Secy. to Commr./Secretary to Government, Department of Forests, Environment & Ecology
11. Pvt. Secy. to Secretary (Technical) Department of Forest, Environment & Ecology.
12. Government order file. (w.2.S.Cs)

Under Secretary to Government
Forest, Environment & Ecology Department



Anx. B

Government of Jammu & Kashmir
OFFICE OF THE DIVISIONAL FOREST OFFICER, LANGATE
FOREST DIVISION LANGATE,
email id: dfolangate@gmail.com

The Conservator of Forests,
Kashmir North Circle,
Sopore.

No: DFO/LGT/Est/2024-25/265-69 Dated 23/04/2024.

Sub: O.A No.163/2024 Titled Rasikh Rasool Bhat V/s Union Territory of
Jammu & Kashmir & Ors.

Sir,

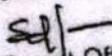
In continuation to this office communication No.DFO/LGT/Est/2024-25/224-29 Dated 20.04.2024 submitted to your good office, in this connection, the point wise reply is detailed as under:-

It is certified that excavation of river bed sediments being carried out are from stream bed of Talri (Bakhtakar- Zachaldara) which is outside from the boundaries of demarcated forests of Rajwar Forest Range.

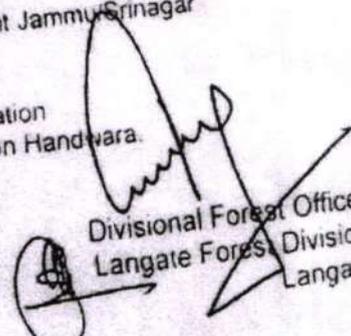
2. As per available office there is no such report regarding the damage to 25000 forest trees during the execution of said road, whereas only 1023 Trees/ Poles/ Saplings of different dia classes has been exploited during the construction of Bungus road within the Rajwar Range, however 05 Fir trees of different dia class has been illegally exploited near blasting sites in compartment 26a/Rajwar for which FIR No.449 of 2018 Dated 30.11.2018 has been lodged against the construction agency i.e JK Constructions in Police Station Handwara and damage bill amounting to Rs.225890.00 (Rupees Two Lakh Twenty Five Thousand Eight Hundred Ninety only) has been raised against PWD and is yet to be reimbursed to Forest Department.
3. The quantum of land duly diverted is 14 Hac of forest land but extra earth cuttings at six locations of said road in compartment 25/Rajwar with total area of 0.35 Hac (7 Kanals) has been involved illegally and for which amount of Rs.480343.50 (Four Lac Eight thousand Three Hundred Forty three only) has been evaluated by Range Officer and FIR No.239/2023 dated 25.10.2023 has been lodged in Police Station Handwara. Hence submitted for your kind perusal and further necessary action

at your end, please

Yours faithfully,


Divisional Forest Officer,
Langate Forest Division,
Langate.

- Copy Submitted for favour of information and necessary action to the:-
- 1 Principal Chief Conservator of Forests (HoFF) J&K Government Jammu Srinagar
 - 2 APCCF/Chief Conservator of Forests Kashmir Srinagar
 - 3 Deputy Commissioner Kupwara
 - 4 Copy to District Geology & Mining Officer Kupwara for information
 5. Copy to Executive Engineer Irrigation & Flood Control Division Handwara.


Divisional Forest Officer,
Langate Forest Division,
Langate.

GOVERNMENT OF JAMMU AND KASHMIR (UT)

OFFICE OF THE EXECUTIVE ENGINEER R&B DIVISION HANDWARA

The Chief Engineer
PWD (R&B) North Kashmir

No. 923-25
Dated: 07.06.2024

Sub: QA 163/2024 titled Rasikh Rasool Bhat V/s Union Territory of Jammu & Kashmir & Ors

Ref: Your Office letter No JKPC/NGT/24/97 Dated 05.06.2024

Sir,

Apropos to the aforementioned subject and references, in this connection the information desired by your good self are as under in tabulated form

Sr. No	Information required	Information Answered
1	Definition and Specification of State Highway as applicable in the union Territory of Jammu and Kashmir	<p>Definition: State highway constitutes the secondary system of Road transportation in the J&K. The State highways provide linkage with the national, highways district headquarter of the State and important towns and tourist centres, These State highways also carry Medium to Heavy traffic. It is assessed that this secondary system of roads carries about 40% of total road traffic which is the major carriers of the road traffic within the Union Territory and with some neighbouring State/UTs traffic.</p> <p>Specifications: The state highway should have a minimum road width of 12m in built up area and 15m in open country with isolated built-up area. The carriage width of the road should be 7m (Double Lane). The State highways are designated by 'SH'</p>
2	Whether Handwara Bangus Road under Construction is a state highway or not	NO, The Handwara Bangus Road is not a state highway
3	Classification under which the Handwara Bangus road falls	Handwara Bangus road falls in Major District Road (MDR). This road is a Tourist corridor to Bangus which is a designated tourist place of UT of J&K

Yours faithfully

[Signature]
Executive Engineer
R&B Division Handwara
& B Diviser
Handwara

Copy to

- i) Superintending Engineer PWD R&B Circle Kupwara Kashmir for information Please
- ii) Member Secretary Jammu & Kashmir Pollution Control Committee for Info. Please



Government of Jammu & Kashmir (UT)
District Mineral Office Geology & Mining Department Kupwara
email:-dmokup@gmail.com
Tel. No: 01955-253572

✓ The Divisional Officer
Pollution Control Board
Kupwara

No: DMO/Kup/NGT/LC/24/ 228

Dated: 29/05/2024.

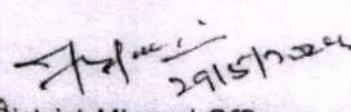
Subject: O.A No: 163/2024 titled Rasikh Rasool Bhat V/s Union Territory of Jammu & Kashmir and Ors.

Reference: Letter from Member Secretary JKPCC vide No: JKPCC/Sc./OA 163-2024/24/26-28 dated: 27-05-2024.

Sir,

Kindly refer to the subject and reference captioned above. In this context it is to submit this office has not issued any permission for earth cutting during execution of Bangus road in compartment 25/Rajwar.

Yours faith fully


District Mineral Officer
Geology & Mining Deptt
Kupwara



Government of Jammu & Kashmir (UT)
 District Mineral Office Geology & Mining Department Kupwara
 email: dmokup@gmail.com
 Tel. No: 01955-253572

(19)

Anx.D

DISPOSAL PERMIT

Permit No: 153

Dated: 28-11-2023

Valid Upto: 26-12-2023

Subject: Construction of Bangus road phase 2nd KM 10th-17th

Reference: Ministry of Environment Forest and Climate Change (MOEFCC) Notification vide S.O 1224 (E) Dt. 28th March 2020.

Order

Whereas Executive Engineer PWD (R&B) has communicated for providing of GSB for execution of bangus road phase 2nd KM 10th-17th vide his office letter No: 7215- 18 dated: 12-10-2023.

Whereas Executive Engineer R&B Handwara has communicated for extension of permit vide his office letter No: 8198-99 dated: 20-10-2023

Whereas Executive Engineer I&FC Handwara has communicated the feasibility of the site for lifting of the material from Nallah Talri at Dobihat vide his office letter No: 3022-23 dated: 19-10-2023

Whereas the Area Incharge Handwara has physically inspected the applied area and certified the availability of material to be removed by the applicant.

Whereas MOEFCC has issued a notification vide S.O 1224(E) dated 28th March 2020, where under in Appendix (IX), Dredging and de-silting of dams, reservoirs, weirs, barrages, rivers and canals for the purpose of their maintenance, upkeep and disaster management have been exempted from requirement of Environmental Clearances.

Keeping in view the nature of the work and time bound desiltation of the nallah, under Rule 56(2) (i) of the J&K Minor Mineral Concession, Storage, Transportation of minerals and prevention of illegal mining rules 2016, Disposal Permit is hereby granted in favour of Executive Engineer R&B Handwara through Jk Construction Company for removal of 4992 Mts N/Mukh in consideration of payment of Rs. 1,65,485.00 (Rupees One Lac Sixty Five Thousand Four Hundred and Eighty Five only) on account of advance Royalty and TCS applicable vide G.R No:1080812 dated:28-11- 2023

Subject to following terms and conditions:

- The Permit Holder will take all precautions for the protection of the environment and control of pollutions while removal of mineral at the site.
- The material so removed from the site is not supplied to any other agency or firm except the allotted projects and not to be used for commercial purpose.

Handwritten Signature
 District Mineral Officer
 Geology & Mining Dept.
 Kupwara

- The Permit Holder will allow the Executive Staff and the officers of the Deptt. of Geology & Mining Deptt. to Inspect, Check and measure the Minor Minerals at all stages including its transportation.
- The extraction/lifting of bed material be time bound i.e. 09:00 AM to 05:00 PM
- The Permit Holder shall abide by the provisions of Mines & Minerals (Development and Regulation) Act 1957 and rules made there under besides J&K mining rules 2016.
- Surrender this permit in original to this department after dispatching last consignment within a weeks' time.
- The process of extraction shall be restricted to a depth of 01 Mtr only. The permit Holder shall be strictly governed by Rule 60 of J&K Minor Mineral Concession, Transportation of Minerals and prevention of illegal Mining Rules 2016 failure of compliance/ any lapse/irregularities found during inspection shall be deemed to cancellation/Withdrawal of Disposal Permit without assigning any reasons forthwith.
- Stocking of the extracted material is strictly prohibited.
- Mechanical screening of the extracted material is strictly prohibited The Department shall not be responsible for any third party Claim.
- The validity of the permit shall be up to expiry of due date or consumption of the material, whichever is earlier

No: DMO/Kup/DP/23/ 2902-09
Dated: 28/11/2023

h m m
Authorized Officer Mineral Office
District Mineral Office Mining Deptt
Geology & Mining Deptt Kupwara
Kupwara

Copy to the:

1. Deputy Commissioner Kupwara for favour of information please.
2. Joint Director (K) Geology & Mining Deptt Srinagar for information please.
3. Ex. Engineer R&B Division Handwara for favour of information and with the remarks that all dues except cost of material has been collected from the permit holder.
4. Executive Engineer I&FC Division Handwara for favour of information and necessary action please.
5. Tehsildar Handwara for favour of information please.
6. Station House Officer Handwara for favour of information please.
7. Area Incharge Handwara for Information and necessary action.
8. JK Construction Company for information and compliance.
9. Office file



Government of Jammu & Kashmir (UT)
 District Mineral Office Geology & Mining Department Kupwara
 email: dmokup@gmail.com
 Tel. No: 01955-253572

Ann. E

DISPOSAL PERMIT

Permit No: 180
 Dated: 08-01-2024

Valid Upto:-15-01-2024

Subject: Construction of Bangus road phase 2nd KM 10th-17th

Reference: Ministry of Environment Forest and Climate Change (MOEFCC) Notification vide S.O 1224 (E) Dt. 28th March 2020.

Order

Whereas Executive Engineer PWD (R&B) has communicated for providing of GSB for execution of bangus road phase 2nd KM 10th-17th vide his office letter No: 7215- 18 dated: 12-10-2023.

Whereas Executive Engineer R&B Handwara has communicated for extension of permit vide his office letter No: 8198-99 dated: 20-10-2023

Whereas Executive Engineer I&FC Handwara has communicated the feasibility of the site for lifting of the material from Nallah Talri at Chalpora near playground vide his office letter No: 4103-06 dated: 30-12-2023

Whereas the Area Incharge Handwara has physically inspected the applied area and certified the availability of material to be removed by the applicant.

Whereas MOEFCC has issued a notification vide S.O 1224(E) dated 28th March 2020, where under in Appendix (IX), Dredging and de-silting of dams, reservoirs, weirs, barrages, rivers and canals for the purpose of their maintenance, upkeep and disaster management have been exempted from requirement of Environmental Clearances.

Keeping in view the nature of the work and time bound desiltation of the nallah, under Rule 56(2) (i) of the J&K Minor Mineral Concession, Storage, Transportation of minerals and prevention of Illegal mining rules 2016, Disposal Permit is hereby granted in favour of **Executive Engineer R&B Handwara** through **Jk Construction Company** for removal of 800 Mts N/Mukh from Nallah Talri at chalpora near playground, in consideration of payment of Rs. 26,520.00 (Rupees Twenty Six Thousand Five Hundred and Twenty only) on account of advance Royalty and TCS applicable vide G.R No:1082080 dated:08-01- 2024 Subject to following terms and conditions:

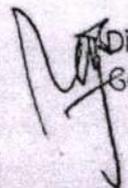
- The Permit Holder will take all precautions for the protection of the environment and control of pollutions while removal of mineral at the site.
- The permit holder shall utilize One JCB for extraction of the river bed material.


 Executive Engineer R&B Handwara
 District Mineral Office Kupwara
 08-01-2024

- The material so removed from the site is not supplied to any other agency or firm except the allotted projects and not to be used for commercial purpose.
- The Permit Holder will allow the Executive Staff and the officers of the Deptt. of Geology & Mining Deptt. to inspect, Check and measure the Minor Minerals at all stages including its transportation.
- The extraction/lifting of bed material be time bound i.e. 09:00 AM to 05:00 PM
- The Permit Holder shall abide by the provisions of Mines & Minerals (Development and Regulation) Act 1957 and rules made there under besides J&K mining rules 2016.
- Surrender this permit in original to this department after dispatching last consignment within a weeks' time.
- The process of extraction shall be restricted to a depth of 01 Mtr only. The permit Holder shall be strictly governed by Rule 60 of J&K Minor Mineral Concession, Transportation of Minerals and prevention of illegal Mining Rules 2016 failure of compliance/ any lapse/irregularities found during inspection shall be deemed to cancellation/Withdrawal of Disposal Permit without assigning any reasons forthwith.
- Stocking of the extracted material is strictly prohibited.
- Mechanical screening of the extracted material is strictly prohibited The Department shall not be responsible for any third party Claim.
- The validity of the permit shall be up to expiry of due date or consumption of the material, whichever is earlier

earls

No: DMO/Kup/DP/23/ 3372-79,
Dated: 08/01/2024


Authorized Officer
District Mineral Officer
Geology & Mining Deptt
Kupwara

Copy to the:

- Deputy Commissioner Kupwara for favour of information please.
- Joint Director (K) Geology & Mining Deptt Srinagar for information please.
- Ex. Engineer R&B Division Handwara for favour of information and with the remarks that all dues except cost of material has been collected from the permit holder.
- Executive Engineer I&FC Division Handwara for favour of information and necessary action please.
- Tehsildar Handwara for favour of information please.
- Station House Officer Handwara for favour of information please.
- Area Incharge Handwara for information and necessary action.
- JK Construction Company for information and compliance.
- Office file

(10)
Anx.F.

DISPOSAL PERMIT

Permit No: 175
 Dated: 01-01-2024

Valid Upto:-06-01-2024

Subject: Construction of Bangus road phase 2nd KM 10th-17th

Reference: Ministry of Environment Forest and Climate Change (MOEFCC) Notification vide S.O 1224 (E) Dt. 28th March 2020.

Order

Whereas Executive Engineer PWD (R&B) has communicated for providing of GSB for execution of bangus road phase 2nd KM 10th-17th vide his office letter No: 7215-18 dated: 12-10-2023.

Whereas Executive Engineer R&B Handwara has communicated for extension of permit vide his office letter No: 8198-99 dated: 20-10-2023

Whereas Executive Engineer I&FC Handwara has communicated the feasibility of the site for lifting of the material from Nallah Talri at Chalpora near playground vide his office letter No: 4103-06 dated: 30-12-2023

Whereas the Area Incharge Handwara has physically inspected the applied area and certified the availability of material to be removed by the applicant.

Whereas MOEFCC has issued a notification vide S.O 1224(E) dated 28th March 2020, where under in Appendix (IX), Dredging and de-silting of dams, reservoirs, weirs, barrages, rivers and canals for the purpose of their maintenance, upkeep and disaster management have been exempted from requirement of Environmental Clearances.

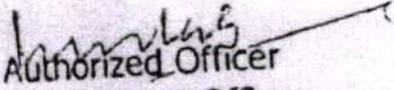
Keeping in view the nature of the work and time bound desiltation of the nallah, under Rule 56(2) (i) of the J&K Minor Mineral Concession, Storage, Transportation of minerals and prevention of illegal mining rules 2016, Disposal Permit is hereby granted in favour of Executive Engineer R&B Handwara through Jk Construction Company for removal of 800 Mts N/Mukh from Nallah Talri at chalpora near playground, in consideration of payment of Rs. 26,520.00 (Rupees Twenty Six Thousand Five Hundred and Twenty only) on account of advance Royalty and TCS applicable vide G.R No:1082062 dated:01-01-2024 Subject to following terms and conditions:

- The Permit Holder will take all precautions for the protection of the environment and control of pollutions while removal of mineral at the site.
- The permit holder shall utilize One JCB for extraction of the river bed material.

Handwritten signature

- The material so removed from the site is not supplied to any other agency or firm except the allotted projects and not to be used for commercial purpose.
- The Permit Holder will allow the Executive Staff and the officers of the Deptt. of Geology & Mining Deptt. to inspect, Check and measure the Minor Minerals at all stages including its transportation.
- The extraction/lifting of bed material be time bound i.e. 09:00 AM to 05:00 PM
- The Permit Holder shall abide by the provisions of Mines & Minerals (Development and Regulation) Act 1957 and rules made there under besides J&K mining rules 2016.
- Surrender this permit in original to this department after dispatching last consignment within a weeks' time.
- The process of extraction shall be restricted to a depth of 01 Mtr only. The permit Holder shall be strictly governed by Rule 60 of J&K Minor Mineral Concession, Transportation of Minerals and prevention of illegal Mining Rules 2016 failure of compliance/ any lapse/irregularities found during inspection shall be deemed to cancellation/Withdrawal of Disposal Permit without assigning any reasons forthwith.
- Stocking of the extracted material is strictly prohibited.
- Mechanical screening of the extracted material is strictly prohibited The Department shall not be responsible for any third party Claim.
- The validity of the permit shall be up to expiry of due date or consumption of the material, whichever is earlier

No: DMO/Kup/DP/23/3289-96
Dated: 01/01/2024


Authorized Officer
District Mineral Officer,
Geology & Mining Deptt
Kupwara

Copy to the:

- Deputy Commissioner Kupwara for favour of information please.
- Joint Director (K) Geology & Mining Deptt Srinagar for information please.
- Ex. Engineer R&B Division Handwara for favour of information and with the remarks that all dues except cost of material has been collected from the permit holder.
- Executive Engineer I&FC Division Handwara for favour of information and necessary action please.
- Tehsildar Handwara for favour of information please.
- Station House Officer Handwara for favour of information please.
- Area Incharge Handwara for information and necessary action.
- JK Construction Company for information and compliance.
- Office file



Government of Jammu & Kashmir (UT)
District Mineral Office Geology & Mining Department Kupwara

email:-dmokup@gmail.com

Tel. No: 01955-253572

The Divisional Officer
Pollution Control Committee
Kupwara

No: DMO/Kup/NGT/LC/24/ 232

Dated:30-05-2024

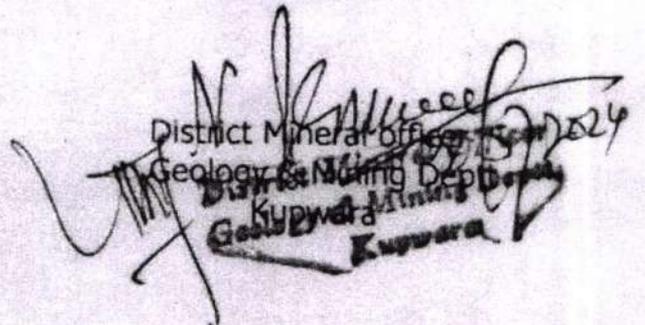
Subject: O.A No: 163/2024 titled Rasikh Rasool V/s UT of Jammu and Kashmir and others

Reference: Your office letter No: PCC/Kup/NGT/2024/916-17 dated: 30-05-2024.

Sir,

Kindly refer to the subject and reference captioned above. In this context enclosed find here the copies of the disposal permits and Geo- tagged Photographs of the site where from the material has been lifted by the contractor for Handwara Bangus road.

Yours faith fully


District Mineral Office
Geology & Mining Dept
Kupwara
Kupwara