

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

In the case of:-

Original Application No. 1011/2019

Aavin Kumar Chadgal & Anr. *V/S* Union Territory of Jammu & Kashmir
& Ors.

.....*Petitioner*

.....*Respondents*

In the matter of:

Factual and Action taken report in terms of order dated 13.11.2019 on behalf of the Principal Chief Conservator of Forests J&K in the above tilted case.

May it please your lordships:

Background

The erstwhile state of Jammu & Kashmir is the northern-most state with a recorded forest area of 20,230 sq. km which is 19.95% of its geographical area excluding the area under illegal occupation of China and Pakistan. However, after the reorganization of the state, the forest area of Union Territory of Jammu and Kashmir is around 48% of its geographical area excluding the area beyond LoC. The forest and tree cover of Union Territory of Jammu and Kashmir as derived from Forest Survey of India's latest report is 56.07% which is substantially higher than the forest and tree cover of 24.39% at the country level and national objective of 33%.

2. The Department of Forest, Environment and Ecology is making dedicated and untiring efforts to increase the green cover and improve the quality of forests under different on-going schemes and initiatives.

3. A Green J&K Drive has been launched during the current year to bring maximum geographical area under forest and tree cover through a target of planting 50 lac trees along roads, railways lines, rivers/ streams and canals and all other available lands under Union Territory, institutional and private ownership with the involvement of stakeholders like Panchayats, Educational Institutions, Para-military forces, Army and Civil society.
4. Further, the User Agency, i.e., Hon'ble High Court of Jammu & Kashmir has also been making concerted efforts towards greening of J&K by planting of trees in all their district court complexes to add to urban greening and for mitigation of air and noise pollution especially in capital cities of Srinagar and Jammu. The efforts have been yielding the desired results.
5. It is submitted that Indent for Forest Clearance for development of judicial infrastructure of High Court, Jammu herein after referred as 'Proposal' has been processed with due diligence and as per the law at all the stages by adhering to the provisions of Jammu and Kashmir Forest Conservation Act, 1997 and as per requirement of clearance from State Board of Wildlife and National Board of Wildlife.
6. The User Agency has been asked to restrict felling of trees to 3000 only as directed by the erstwhile State Administrative Council (SAC) headed by the then Hon'ble Governor of J&K vide its decision No. 259/22/2019 Dated: 22-10-2019, so as to preserve and maintain the remaining trees and flora & fauna. The proposal has been given in principle forest clearance subject to Wildlife Clearance from State Board of Wildlife and National Board of Wildlife.
7. The State Board of Wildlife during its 16th meeting of Standing Committee held on 23rd October, 2019 under the chairmanship of

the then Advisor to the then Hon'ble Governor of Jammu and Kashmir, has also cleared the proposal with the condition that no harm to any wildlife species is caused and User Agency shall abide by the directions of Hon'ble Supreme Court issued with regard to use of wildlife areas for non-forestry use and provisions of Wildlife Protection Act as well as directions of Ministry of Environment, Forest & Climate Change in such cases.

The factual and action taken report is respectfully, submitted as under:

1. It is submitted that indent for Forest Clearance for development of judicial infrastructure of High Court, Jammu was submitted by the User Agency, through the Department of Law, Justice & Parliamentary Affairs vide letter No: LD (Sts) 2018-19/HC/263 Dated: 11-10-2019 to the Principal Chief Conservator of Forests, J&K Govt. (Copy annexed as **Annexure-R1**)
2. It is submitted that the indent was forwarded to the Divisional Forest Officer, Jammu Forest Division by the Chief Conservator of Forests & Nodal Officer (FCA) in the office of Principal Chief Conservator of Forests, for processing the case for Forest Clearance under the provisions of Jammu & Kashmir Forest Conservation Act, 1997, vide letter No: PCCF/ FCA/ 3001/ 4225-29 Dated: 11-10-2019. (Copy annexed as **Annexure-R2**)
3. It is submitted that the Divisional Forest Officer Jammu Forest Division forwarded the indent to the Range Officer Bahu Range for conducting Joint Inspection of the forest area and also forwarded a copy of Indent to the District Soil Conservation Officer, Jammu since a portion of the proposed forest falls under the jurisdiction of Department of Soil & Water Conservation, Jammu.

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4. It is submitted that the Range Officer Bahu has reported that the forest area proposed for diversion falls in Forest Compartment 66/Raika and also forms part of Bahu Conservation Reserve. The said proposal has been processed as per the provisions of Jammu & Kashmir Forest Conservation Act, 1997 and the Divisional Forest Officer, Jammu Forest Division submitted the case to the Conservator of Forests, East Circle, Jammu for consideration and for its further recommendation to the higher authorities vide letter No: DFO-J/FCA/4120-26 Dated: 14-10-2019. (Copy annexed as **Annexure-R3**)
5. It is submitted that the Conservator of Forests, East Circle, Jammu vide letter No: 374-75/CFE/FCA Dated 15-10-2019 has recommended and submitted the case to the Chief Conservator of Forests, Jammu for consideration and for further recommendation of the case to the higher authorities for further necessary action. (Copy of the said letter is annexed as **Annexure-R4**)
6. It is submitted that the Chief Conservator of Forests, Jammu vide letter No: CCF/J/FCA/1217-19 Dated: 15-10-2019, has submitted/recommended the case to the Principal Chief Conservator of Forests, Jammu & Kashmir for further necessary action. (Copy of the said letter is annexed as **Annexure-R5**)
7. It is submitted that the Principal Chief Conservator of Forests, J&K approved the placing of proposal in the 117th Forest Advisory Committee of Jammu & Kashmir held on 15-10-2019 under the chairmanship of Chief Secretary Jammu & Kashmir, for consideration under section 2 of J&K Forest Conservation Act, 1997 vide letter No. PCCF/FCA/3001/4565-66 dated 15.10.2019 with the following additional terms and conditions:

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- (i) *The User Agency shall be asked to fell minimum number of Trees actually required for development of judicial Infrastructure and to preserve and maintain maximum trees since the proposed forest area falls in the Bahu Conservation Reserve.*
- (ii) *The Forest Clearance shall be subject to Wildlife Clearance from the State Board of Wildlife and National Board of Wildlife.*
- (iii) *The Forest Land shall not be allowed for construction of residential buildings/colony.*
- (iv) *The User Agency shall abide by all the terms and conditions to be imposed by the State Board of Wildlife and National Board of Wildlife.*
- (v) *Additional NPV imposed by the State Board of Wildlife and National Board of Wildlife, shall be paid by the User Agency.*
- (vi) *The User Agency shall pay the compensation of trees as assessed by the forest department.*

A copy of the recommended proposal is enclosed as **Annexure- R6**.

8. It is submitted that Forest Advisory Committee (FAC), Jammu & Kashmir State headed by the Chief Secretary, Jammu & Kashmir in its 117th Meeting held on 15-10-2019 at Civil Secretariat Srinagar has accorded in principle approval to the proposal subject to clearance from the State Board of Wildlife and National Board of Wildlife. (Copy of the Minutes of the 117th Meeting of the Forest Advisory Committee issued vide No: PCCF/FCA/2996-Part-I/4468-97, Dated 17-10-2019 is annexed as **Annexure-R7, Page 9 of Annexure**).

9. It is submitted that the erstwhile State Administrative Council (SAC) headed by the Hon'ble Governor of Jammu & Kashmir State in its meeting held on 22-10-2019 has approved the

proposal for use of 40.6565 Hectare Forest Land for development of Judicial Infrastructure for High Court in Jammu **with the condition that the User Agency shall restrict the number of trees to be felled to 3000.** (Copy of SAC Decision No: 259/22/2019 Dated: 22-10-2019 conveyed through letter No. FST/Land/44/2019 dated 11.11.2019 is annexed as **Annexure-R8)**

10. It is submitted that the proposal was placed before the 15th Meeting of Standing Committee of State Board of Wildlife held on 18-10-2019 under the chairmanship of Advisor to Hon'ble Governor of Jammu & Kashmir State at Civil Secretariat Srinagar for obtaining Wildlife Clearance. The Committee decided that the User Agency shall provide the project details giving particulars for use of land and scope of work. Forest Department shall give details of flora and fauna of the area. It was decided that after getting these details, the proposal shall be again placed before the Board/Standing Committee. (Copy of the Minutes of the 15th Meeting of the Standing Committee of State Board of Wildlife issued vide No: WLP/Tech/2019/206-24, Dated 21-10-2019 is annexed as **Annexure- R9)**

11. It is submitted that the proposal was again considered by the Standing Committee of State Board of Wildlife in its 16th meeting held on 23-10-2019 under the chairmanship of Advisor to Hon'ble Governor of Jammu & Kashmir State at Civil Secretariat Srinagar, after getting the details for use of land and flora/ fauna provided by the User Agency through Nodal Officer/Chief Conservator of Forests (FCA).

12. The details of use of land include undertaking construction of 90000-100000 Sq. mtr structures involving about 20% ground

coverage and leaving the rest of the area for tree cover for surface parking and other open surfaces. The use of construction/ buildings under the proposal was given in the write up provided by the User Agency.

13. Regarding the flora of the area, it is covered with mixed scrub forests with commonly found species of trees. The vegetation of the area is classified under the major group "Sub Tropical Northern Mixed Deciduous Forests" as per classification given by Champion & Seth. A variety of common sub-tropical broad leaved trees and shrubs are found in the said forest compartment No: 66/Raika which also forms a part of Bahu Conservation Reserve. Out of the 40.6565 ha, an area of 28.3065 ha forms a plantation closure raised by the Soil & Water Conservation Department.
14. The dominant tree species in the closure are Leuceana (exotic pulp wood species which is also classified as Invasive Alien Species), Kembal (Lannea species), Amaltas and in the remaining area are Shisham, Kembal, Amaltas, Ber, Kamila (Mallotus) etc.
15. The faunal diversity in the said forest compartment consists of commonly found mammals like jackal, porcupine, Wild Boar, Rhesus Monkey etc. Species of snakes and other reptiles have also been found in the area. The avian fauna in the Bahu Conservation reserve comprises Red Jungle Fowl, Little Brown Dove, Koel, Blue Rock Dove, Parakeet, Green Barbet, Common Babler etc.
16. The number of trees, poles and saplings coming in the indented land have been enumerated and same has been furnished by the Chief Conservator of Forests, Jammu vide letter No:

CCF/J/FCA/1322 dated 23.10.2019. The abstract of saplings/poles and trees is given as under:

S.No:	Dia-class (cm)			Total
	0-10	10-20 & 20-30	30-40 & above	
Jammu Forest Div.	141	1223	342	1706+22 Bamboo clumps
Soil Conservation Deptt. Closure	33401	2200	699	36300+108 Bamboo Clumps
<u>Total</u>	<u>33542</u>	<u>3423</u>	<u>1041</u>	<u>38006</u>

As evident from the table, out of total no. of 38,006 saplings/poles/trees, there are only 1,041 trees with diameter of 30-40 cm and above. (A copy of the letter dated 23.10.2019 is annexed as **Annexure-R10**).

17. The Standing Committee of **State Board For Wildlife** after due and detailed deliberations approved the proposal for use of 40.6565 Hectare Forest Land for development of Judicial Infrastructure for High Court Jammu with the terms and conditions as mentioned in the Minutes of the 16th meeting of the Standing Committee of State Board for Wildlife issued by the Member Secretary vide No: WLP/Tech/2019/270-85 dated 25.10.2019, (copy annexed as **Annexure-R11**).

18. It is reiterated here that while recommending the case for in principle approval, the Forest Advisory Committee (FAC) imposed additional terms and conditions and while granting the approval, the erstwhile State Administrative Council imposed an additional condition. These are, as mentioned in **Para-7&9** above are:

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Additional terms and conditions imposed by Forest Advisory Committee:

- i. The User Agency shall be asked to fell minimum number of Trees actually required for development of judicial Infrastructure and to preserve and maintain maximum***

trees since the proposed forest area falls in the Bahu Conservation Reserve.

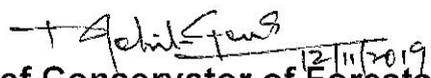
- ii. The Forest Clearance shall be subject to Wildlife Clearance from the State Board of Wildlife and National Board of Wildlife.*
- iii. The Forest Land shall not be allowed for construction of residential buildings/colony.*
- iv. The User Agency shall abide by all the terms and conditions to be imposed by the State Board of Wildlife and National Board of Wildlife.*
- v. Additional NPV imposed by the State Board of Wildlife and National Board of Wildlife, shall be paid by the User Agency.*
- vi. The User Agency shall pay the compensation of trees as assessed by the forest department.*

Additional condition imposed by erstwhile State Administrative Council:

- i. The User Agency shall restrict the number of trees to be felled to 3000.*

19. These additional conditions are in addition to the normal terms and conditions as mentioned in minutes of the meeting of the 117th Meeting of the Forest Advisory Committee issued vide No: PCCF/FCA/2996-Part-I/4468-97, Dated 17-10-2019. (As given in Annexure-R7)

Hence report may kindly be taken on record.


Pr. Chief Conservator of Forests
Jammu & Kashmir.



Government of Jammu and Kashmir
Department of Law, Justice and Parliamentary Affairs,
Civil Secretariat.

To

The Chief Conservator of Forests (FCA),
Srinagar, Kashmir.

No:-LD (Sts) 2018-19/HC/263

Dated. 11-10-2019

Subject:-Expansion of Judicial infrastructure including
construction of new Court infrastructure at Jammu &
Srinagar.

Sir,

In continuation to this Department's letter of even number
dated.10-10-2019, kindly find enclosed detailed information
regarding indent for forest clearance in respect of land measuring
813 kanals & 13 marlas at village Bahu & Raika, Jammu for favour of
information and further necessary action in the matter:

Yours faithfully,

11.10.2019
Addl. Secretary to Government,

Deptt. of Law, Justice & Parliamentary Affairs.

Ends - (12)

Copy to the :-

1. Registrar General, J&K High Court Srinagar for information.
This has reference to his letter No.18309/Infrt. Dated:10-10-2019.

(Per)
G.O.
forwarded to
RGS Division
for further
processing in
the
Deptt.
of Law
18/10/19

18/10/19

INDENT FOR FOREST CLEARANCE.

(To be submitted by Secretary/HoD/Head of the Indenting agency to the Principal Chief Conservator of Forests, J&K Government)

- | | |
|---|---|
| 1. Name of the Indenting Agency | Law Department |
| 2. Name of the Project | Dev. Of Judicial Infrastructure for High Court at Jammu. |
| 3. Location of the Project mentioning District, Tehsil and NES Block | Village Bahu & Raika of Tehsil Bahu, Distt. Jammu |
| 4. Forest Division and Range | Forest Divn. Jammu Range Bahu, |
| 5. Estimated Area of Forest land required for use | 113 kanals & 13 marla |
| 6. Brief description of the project covering salient features & total area involved | Detail enclosed as Annexure A |
| 7. Justification/compelling reason for the requisition of forest land/ felling of trees. | Due to non availability of State / Private land in that vicinity as per the certificate issued by the Dy. Commr Jammu (copy enclosed as Annexure B) |
| 8. Whether all possibilities to acquire state/private land have been explored before requisitioning of forest land and if so, give details. | Yes |
| 9. Whether the indenting agency accepts to pay the net present value (NPV), compensation of trees compensatory afforestation etc and has sufficient provision for that case in case the forest clearance is accorded. | Yes
(copy of DC Jammu enclosed as Annexure C) |
| 10. Documents to be enclosed alongwith INDENT | |
| i. "Technical Report" of the approved DPR of the project | |
| ii. Index Map" (not to sale) of the project on A3 or A4 showing all prominent features of the project. | Note of High Court enclosed as Annexure D |
| iii. Certificate from the concerned Dy. Commr. to the effect that: | |
| a. No suitable revenue or private land is available for the project indented | copy of DDC enclosed as Annexure A |
| b. Equivalent state land (with details mentioned) shall be provided for | copy of DDC enclosed as Annexure B |

[Signature]
Secretary to Government

Notes relating to Forest Clearance for allocation of land for construction of Judicial Infrastructure at Jammu.

As Jammu becomes a vibrant centre of India with a flourishing local economy, as an emerging centre for education and vocational training, an important pilgrim destination and a non-violent peaceful society with a fairly diverse and aspirational demography, it is important to strengthen and renew its Judicial Infrastructure.

The Existing Campus of the Jammu High Court is in a decrepit state and suffers on account of various factors:-

1. Access to the site is through narrow bye lanes which are inadequate for convenient access for litigants, lawyers and judges, traffic jams on the access are a daily matter and stressful.
2. The Existing High Court Building is completely unsafe from Fire Safety standards as well as from security point of view and therefore under constant threat.

Under the directions of Hon'ble the Chief Justice, an audit of the Court building for evaluating its security and fire safety was conducted by the concerned agencies of the Government. Department of Fire and Emergency as also the Security Agencies in their separate reports dated 03.01.2019 and 07.01.2019 respectively, have expressed their apprehension that in case of a disaster, the impediment to the access and exit from the corridors of the High Court Complex Jammu can have serious consequences. A summary of recommendations made vide report dated 03.01.2019 is reproduced as under:

General Recommendations:

- a. During inspection it was found that Almirah's and steel boxes are stacked in the corridors of the Court Complex which should be removed for safer emergency evacuation in case of any Exigency.
- b. Installations of Automatic detection device fitted with clean agent flooding system in the record rooms.
- c. Fire Extinguishers which are expired should be refilled. Besides augmentation of fire extinguishers in addition to already installed fire extinguishers installed.
- d. A terrace tank of 20 KL capacity should be provided on the terrace to feed the hydrants/House Reel and down comers.
- e. Yard Hydrants should be provided in the parking areas.
- f. Defunct Fixed Fire Fighting system already installed should be made operational.
- g. Automatic Fire Alarm system should be installed.
- h. Regular maintenance and periodical check up of fire safety measures in the Court Complex.
- i. Auto Glow Exit Sign Boards should be installed at the exits for

K. S. Singh
Director Litigation
Jammu

- j. Fire Evacuation Drills should be conducted in collaboration with the local Fire and Emergency Services Station and other allied agencies.
- k. The Management of the Court Complex will prepare a contingency plan of both fixed as well as first aid fire fighting system and display the same at strategic location.

A summary of the observations made vide report dated 07.01.2019 is reproduced as under:

- There is one frisking point at the main entrance of Hon'ble High Court managed by the Security Police personnel with security gadgets during working hours and Armed guard of CRPF 166 Bn. Coy E (round the Clock) and another at VIP Gate. Moreover, 04 guards have been deployed during the duty hours in the outer cover of the complex. Another entry point is from VIP gate for the entry of VIPs. In case of contingency, no emergency exit is available at each floor.
 - At present one QRT is deployed at the main entrance of the High and district Courts, one more at Hon'ble High Court is required.
 - Fire and Emergency / Fire Extinguishers system is defunct and need to be repaired or replaced.
 - Cupboards/Almirah belonging to Advocates are lying in Corridors of the High Court Complex which lead to narrowing the corridors and exits. This can pose serious constraints at a time when evacuation may be needed due to natural calamity, fire and other distress/eventuates. These also restrict mobilization of men and materials which can be a matter of concern when fast paced evacuation or security intervention is needed. These reduce visibility along corridors, providing ample scope for hiding of unwanted and potentially dangerous materials within the High Court building.
3. The structure of the building is already in a decrepit state and falling stone cladding, numerous seepages and non-compliance of Earthquake safety codes is a grave concern for structural safety of the building.
 4. The Building has been designed awkwardly with steps and non-compliant for Universal Accessibility.
 5. It is extremely inefficient in its current format and effects the efficient dispensation of justice.
 6. The District Court and the High Court share the same campus. Both have grown in a haphazard manner over the year. Now, both institutions need to grow in terms of number of courts and related judicial and administrative infrastructure. The space for growth is unavailable.
 7. Safety of the Campus on account of its location is a constant concern.
 8. Parking is woefully inadequate and there is little more space available to add parking.

Kaul
Director Litigation
Jammu

9. As per the Judgment of the Hon'ble Supreme Court judgment dated 02.08.2018 rendered in All India Judges' Association's Case, bare minimum requirements of a Court Complex have been laid down. A list of these bare minimum requirements of District Court Complexes and High Court Complexes is enclosed herewith and most of these requirements are either lacking in the present High Court Complex at Jammu or the same are absolutely outdated and insufficient.
10. A visit to the High Court Complex reveals that record room is overflowing with record and some of the record has been dumped in the garages. There are Almirahs containing the court record lined across the corridors of the building making it difficult to walk through these corridors. Even the lawyers have parked their almirahs and lockers in these corridors thereby blocking access, light and air for the Court staff. Medical room has been accommodated by blocking corridors thereby making the building prone to safety and fire hazards.

New Campus- Jammu High Court.

A New Campus is imagined as a self contained integrated complex with all Multi disciplinary facilities for an Effective Judicial Ecosystem. It shall be designed as a eco-friendly campus on principles of sustainability and universal accessibility. It shall employ local materials, craftsmanship and its architectural vocabulary shall be rooted in the local milieu. It shall comprise the following:

1. The New High Court Complex with 35 Court rooms and space for expansion over the next fifty years to 70 Court rooms 30000 sqm.
2. Judicial Administration Areas 5000 sqm.
3. Administrative Areas 5000 sqm.
4. Mediation Centre to enable speedy and inexpensive access to justice 1000 sqm.
5. Arbitration Centre 1000 sqm.
6. Medical Centre 1000 sqm.
7. Computer Centre 1000 sqm.
8. Judges Library 800 sqm.
9. Lawyers Chambers for 1000 lawyers with space for expansion for the years. 10000 sqm.
10. Litigants facilities and food court 2000 sqm.
11. Police and Security Infrastructure 1500 sqm.
12. Archives section 1500 sqm.
13. Judges accommodation for 35 judges with space for expansion 10000 sqm.
14. Staff accommodation for Judicial Administration 10000 sqm.
15. Utility buildings 2000 sqm.
16. Judicial Academy and Convention Facilities 2000 sqm.
17. Helipad.
18. Fire Station 500 sqm.
19. Adequate parking for cars, two wheelers, public transport.
20. Transport Facilitation Centre 100 sqm.

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Director Litigation
Jammu

The total approximate built up area shall be 90000 to 100000 sqm. Planning for a combination of low rise Ground plus two and mid rise ground plus four stories, we need a ground coverage of 25000 sqm in current phase and 50000 sqm in future over a forty year horizon. Therefore, planning for twenty percent ground coverage and leaving the rest for tree covered surface parking and other open spaces, we need 250000 sqm land.

The total area requirements for the same should be around 500 kanals to allow for a stately and efficient New High Court that would function smoothly and present an inspirational new face of justice to Jammu and Kashmir.

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Director Litigation
Jammu



Office Address:-

May to Oct. Forest Complex, Sheikh Bagh, Lal
Chowk-Sgr 190001
Ph: 0194- 2484939, 2483937, Fax 0194-
2455027
Nov. to Apt. Van Bhawan Below Gumat 180001
Ph: 0191- 2548397, 2560585, Fax 0191-
2547276
URL Address: www.jkforest.com

Government of Jammu and Kashmir
Office of the Principal Chief Conservator of Forests, J&K

Divisional Forest Officer,
Jammu Forest Division,
Jammu.

No: PCCF/FCA/3001/4225-29

Dated: 11/10/2019

Sub: Expansion of Judicial infrastructure including construction of new Court Infrastructure at Jammu & Srinagar.

Kindly find enclosed herewith the letter No. LD(Sts) 2018-19/HC/263 dated 11-10-2019 alongwith the Indent and relevant documents received from Addl. Secretary to Government, Deptt. Of Law, Justice & Parliamentary Affairs.

In this regard, you are advised to process the case for forest clearance under the provision of J&K Forest (Conservation) Act, 1997.

Encl: (13 ltr)

(K. Ramesh Kumar) IFS
Chief Conservator of Forests /
Nodal Officer (FCA)

Copy for information to the:-

1. Secretary to Government, Department of Law Justice and Parliamentary Affairs Civil Secretariat, Srinagar. He is requested to direct the concerned officer to liaise with the Divisional Forest Officer Jammu Forest Division Jammu and Wildlife Warden Jammu for conducting of joint inspection and preparation of proposal as per check list. This is in reference to your letter No. LD(Sts) 2018-19/HC/263 dated 11-10-2019.
2. Chief Conservator of Forests, Jammu.
3. Conservator of Forests, East Circle, Jammu.
4. Regional Wildlife Warden Jammu.

K.A.
form-2-1/16

**OFFICE OF THE DIVISIONAL FOREST OFFICER
JAMMU FOREST DIVISION**

**FOREST OFFICER
IN JAMMU**

Tel. & Fax No. 0191-2545510

Email - dfojammu@gmail.com

The Conservator of Forests,
East Circle,
Jammu.

No:-DFO-J/FCA/4120-26

Dt:- 14.10.2019

Subject:-

Diversion of forest land for development of Judicial Infrastructure for High Court at Jammu.

Sir,

With reference to the Chief Conservator of forest/ Nodal Officer (FCA) O/O The Pr.CCF J&K's Office letter No: PCCF/FCA/3001/4225-29 Dt. 11.10.2019, it is submitted that the indent was forwarded to the Range Office Bahu for conducting Joint Inspection of the area along with User agency and to process the case under, J&K Forest Conservation Act, 1997. Also the copy of said indent was also forwarded to the District Soil Conservation Officer, Jammu. As the area which is under the jurisdiction of Department of Soil Conservation, Jammu also coming under the alignment. In this regard, Range officer Bahu reported that the proposed area for development of Judicial Infrastructure for High Court Jammu falls in Compartment No: 66/Raika and is a part of Bahu Game Reserve. Accordingly the proposal has been processed and the proposal along with the Wildlife formats is enclosed herewith. It is pertinent to mention here that the enumeration of tree is in progress and the enumeration list shall be submitted after completion of enumeration exercise. Keeping in view of the above, the proposal has been processed under J&K Forest Conservation Act 1997. The detail of the proposal is given below here as under:-

1	Compartment No.	66/Raika
2	Forest Area involved.	40.6565 Hac
3	No. of Trees	Enumeration is in progress
4	Compensation of Trees	Enumeration of trees is in progress (Jammu Forest Division more than 3000 trees (Approx) , Deptt. Of Soil Conservation more than 10000 trees (Approx).
5	Compensatory Afforestation Scheme.	CAS of Jammu Forest Division=Rs.24,70,000.00 CAS of Deptt. Of Soil Conservation = Rs. 56,61,300.00 Total = Rs. 81,31,300.00
6	Cost of land as per NPV ECO Class-V for 40.6565 Hac @ Rs. 8,45,000/- per Ha	NPV of Jammu Division = Rs.5,21,78,750.00 NPV of Soil Conservation = Rs.11,95,94,965.00 Total = Rs.17,17,73,715.00
7	Map of the area	Enclosed

8. Proprietary status of Forest land shall remain un-changed.
9. The Forest Land shall be utilized only for the purpose for which it has been proposed to be diverted and shall not be transferred to any other agency without approval of the Department.

**OFFICE OF THE DIVISIONAL FOREST OFFICER
JAMMU FOREST DIVISION JAMMU**

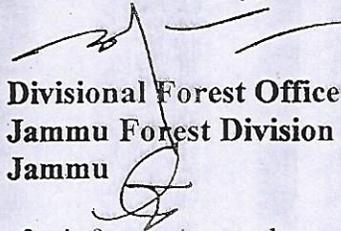
Tel. & Fax No. 0191-2543516

Email - dfjammu@gmail.com

10. User Agency shall pay Net Present Value of the land amounting to Rs. 17,17,73,715.00/- (for very Dense Forest and Eco Value Class V) diverted for non Forestry purposes as per the orders of Hon'ble Supreme Court Dated: 28.03.2008 and 09.05.2008 in I.A.No. 826 in 566 with related IAS in Writ Petition (Civil) No. 202 of 1995 Godavarman V/s Union of India & other as Net Present Value of the Forest Land as per crown density of the Compartment falling in the alignment.
11. That the extraction shall be done by the SFC or Departmentally on the basis of marking list administratively approved by the Chief Conservator of Forests Jammu. For any damage to the trees involved the user agency will be charged @ 10 times of standard rate as penalty.
12. The User Agency shall construct retaining wall /breast walls on both side of the alignment and take other necessary steps so as to minimize Soil Erosion/ Land Slides. In this regard the User Agency shall seek Technical Guidelines from Director Soil Conservation Department J&K.
9. The User agency shall not throw any muck/mulba in a haphazard manner. The mulba shall be dumped/thrown on the selected sites. If any activity found to be outside the identified area, a penalty at ten times of the original cost shall be imposed.
10. The Forest land so diverted shall be returned to Forest Department without any liability and encumbrances when it will be no longer required by the User Agency.

Therefore, it is requested that the case for **Diversion of forest land for development of Judicial Infrastructure for High Court at Jammu** may kindly be considered recommended to higher authorities for further necessary action please.

Yours faithfully,


**Divisional Forest Officer
Jammu Forest Division
Jammu**

- 1/- Copy submitted to the Chief Conservator of Forests, Jammu for information and necessary action
- 2/- Copy submitted to the Secretary to Government, Department of Law, Justice and Parliamentary Affairs, Srinagar for information.
- 3/- Copy submitted to the Chief Conservator of Forests, (FCA) & Nodal Officer O/O the Pr. Chief Conservator of Forests, J&K Srinagar for information and necessary action.
- 3/- Copy to the Director, Litigation Jammu for information.
- 4/- Copy to the District, Soil Conservation Officer, Jammu for information and necessary action
- 6/- Copy to the Range Officer Bahu for information.

CHECK-LIST

OF

DOCUMENTS/INFORMATION REQUIRED FOR PROPOSAL FOR DIVERSION OF FOREST LAND FOR NON FORESTRY USE UNDER THE J&K FOREST (CONSERVATION) ACT, 1997

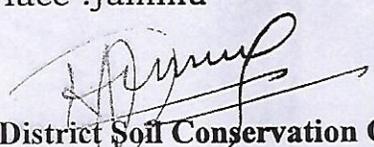
Full Title of the Project: Diversion of forest land for development of Judicial Infrastructure for High Court at Jammu

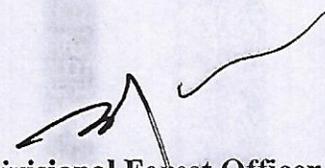
S.no	Name of the Document (s)	Provided* (YES/NO)	Page NO.
I	Documents/Information Required for All Proposals		
1	Main application form as prescribed in the Rules under the J&K Forest (Conservation) Act, 1997 (FCA) with all its columns duly filled up and signed by the competent authority with date, place and official seal.	(Yes)	1 to
2	User agency will submit the Map of the project site/forest area proposed clearly showing i. Index map showing forest boundaries, nearby roads, villages and any other important physical features duly signed by the DFO and Ex. Engineer concerned. Boundary of the forest area being proposed for the diversion is to be shown distinctly in green colour. ii. Soft copy of Map on KMZ file.	(Yes) (Yes)	
4	Statement showing the details of forest area involved in various Compartment No. and item wise break up of forest area proposed for diversion duly signed by DFO (<i>in the prescribed format</i>).	(Yes)	
5	Calculation sheet of the NPV (<i>in the prescribed format</i>)	(Yes)	
6	Undertaking by User Agency to pay the Net Present Value (NPV) of the forest land involved and other components. (<i>in the prescribed format</i>).	Yes	
7	1. Species wise and dia- class wise enumeration list. 2. Abstract of species wise trees/poles/saplings duly signed by DFO.	Enumeration is in progress	
8	Certificate from the User agency counter signed by DFO, that forest area proposed is minimum and no alternative suitable location/alignment on non forest land is available for the project. (<i>in the prescribed format</i>)	Yes	
9	Joint Inspection report of the forest area involved in the project signed by User agency and the DFO concerned (<i>in the prescribed format</i>).	(Yes)	
10	Certificate from the Dy. Commissioner regarding availability/ non-availability of non-forest land in the district for raising compensatory Afforestation, wherever applicable. (<i>in the prescribed format</i>)	(Yes)	
11	Copy of Detail Project Report duly approved by the competent authority submitted by user agency.	Concept note submitted	

12	Detailed plan of the muck disposal/ soil dumping, wherever required. It should be realistic exhaustive and complete in all respects along with relevant maps in distinct colours. Dumping sites on forest land/non forest land should be clearly shown on Map. In case, a site has been identified on state/ private land, consent from the owner is to be enclosed.	To be furnished by the user agency	
13	Status of clearance under Wildlife Protection Act, wherever required.		
14	Status of clearance under Environment (Protection) Act, 1986 wherever required.		
II Documents/Information required for linear projects like proposals for Roads, Railway lines and Transmission lines			
15	The following information/documents should be furnished by the user agency :- a) Length and width of the project passing through forest land. b) In case of extension of already existing road/railway line/canal, linear plan clearly showing in distinct colours the already existing project.	(Yes/No) (NA)	
III Documents/Information Required for Proposals for Hydro Electric Projects			
16	The following information/document must be given; I. Component-wise total area requirement II. Copy of Techno-Economic Clearance. II. Lay out plan of project approved by competent authority. In case of linear diversions of forest land, linear map or a diagrammatic map of the project should be enclosed.	(NA)	
17	Detailed Catchment Area Treatment Plan. (wherever required.)	(Yes/No)	
18	Any other information/documents attached. Please specify		

Date.....

Place :Jammu


District Soil Conservation Officer
Jammu


Divisional Forest Officer
Jammu Forest Division,
Jammu JAMMU

Office of the Conservator

email: cfeastcircle@gmail.com

East Circle Jammu.

Tel./Fax: 0191-2544367

The Chief Conservator of Forests,
Jammu.

No:- 374-75/CFE/FCA

Dt: 15-10-2019

Sub: Diversion of forest land for development of Judicial Infrastructure for High Court at Jammu.

Sir,

Kindly find enclosed three sets of proposal regarding subject cited above as received from Divisional Forest Officer, Jammu vide his letter No. DFO-J/FCA/4120-26 Dt:14.10.2019. The DFO Jammu has reported that the proposed area for development of Judicial Infrastructure for High Court Jammu falls in Comptt. No:66/Raika and is a part of Bahu Game Reserve. The summary details of the proposal are as under:

- (a) **Detail of Forest land** : Total area involved : 40.6565 Ha
 Range : Bahu
 Block : Raika
 Comptt. : 66/Raika
- (b) Total No. of trees/poles involved : Enumeration is in progress
 (c) Whether area is part of any wild life protected area : No
 (d) Amount to be paid by user agency

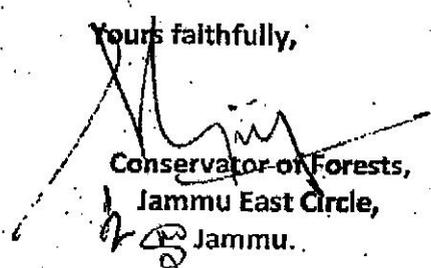
1	Amount of compensatory Afforestation	CAS of Jammu Forest division =Rs 24,70,000.00 CAS of Deptt. of Soil Conservation =Rs 56,61,300.00 Total = Rs 81,31,300.00
2.	Net Present value	Jammu Forest Division =Rs 5,21,78,750.00 Soil Conservation =Rs 11,95,94,965.00 Total = Rs 17,17,73,715.00
3	Compensation of trees	Enumeration of trees is in progress (Jammu Forest Division more than 3000 trees (Approx) Deptt. of soil conservation more than 10000 trees Approx)

It is as such requested that the case may be recommended to Competent Authority for consideration and sanction under the provisions of J&K Forest Conservation Act, 1997 under usual terms and conditions.

Hence submitted for favour of information and necessary action please.

Yours faithfully,

Encl: - Three sets of Proposal


 Conservator of Forests,
 Jammu East Circle,
 Jammu.

Copy to the DFO, Jammu for information and has reference to his office No. quoted.

Office of the Chief Conservator of Forests, Jammu
(Forest Department) Exchange Road Dogra Hall

❖ Ph: 0191- 2545400, 2547748-FAX

E-mail : ccfjammu1@gmail.com

REC. HP
8515
19/10/19

The Pr. Chief Conservator of Forests,
J&K Srinagar.

No. CCF/J/FCA/ 1217-19

Dated 15-10 2019

Sub:- Proposal for use of forest land for development of judicial infrastructure for High Court at Jammu.

Ref:- Your office letter No. PCCF/FCA/3001/4225-29 dated 11-10-2019.

Sir,

In response to your office above cited letter, kindly find enclosed herewith the proposal on the aforementioned subject matter recommended by Conservator of Forests East Circle Jammu vide No. 374-75/CFE/FCA dated 15-10-2019.

The C.F. East Circle Jammu/DFO Jammu have reported that the forest land intended to be acquired by the user agency is a part of Bahu Game Reserve. The DFO Jammu further reported that the enumeration of trees coming under the proposed project is in progress and enumeration list shall be submitted after completion of enumeration exercise. The detail of the proposal is given as under:-

ccfjammu
19/10

1	User Agency	Law and Parliamentary Department
2	District/Division/Range	District: Jammu Division: Jammu Forest Division Range: Bahu
3	Compartment No.	66/Raika
4	Salient information regarding forest land involved;	
	Total forest area involved (Jammu Forest Division and Soil Conservation Department).	40.6565 Ha (28.3065 Ha under the possession of Soil Conservation Deptt and 12.35 Ha under the possession of Jammu Forest Division)
5	Whether the proposal involves wildlife protected area	Yes, Bahu Game Reserve

6. Total no. of trees/poles/Saplings	As reported by DFO Jammu, the enumeration of trees under progress and shall be submitted after completion of enumeration exercise.	
7. Summary of amount to be deposited by the user agency	Net Present value	Rs.17,17,73,715/-
	Compensatory Afforestation	Rs.81,31,300/-
	Compensation of trees/poles/saplings	The enumeration of trees is under progress and compensation of trees shall be submitted after completion of enumeration exercise.

Hence submitted for favour of information and necessary action at your end please.

Yours faithfully

[Signature]
 Chief Conservator of Forests
 Jammu
 By 15/10/19

- Copy for information to:-
1. Conservator of Forests, East Circle Jammu
 2. Divisional Forest Officer, Jammu Forest Division

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ANNEXURE (RULE-6)

Format for submission of proposals by the Indenting Agency and the concerned Chief Conservator of Forests (T) for the diversion of forest land for non forest purpose

1	Short narrative of the proposal and project/scheme for which the forest land is required with maps and sketches	=	Development of Judicial Infrastructure for High Court at Jammu by the Department of Law, Justice & Parliamentary Affairs J&K Government
2	Location of the Project/Scheme		
i)	State Union Territory	=	Jammu and Kashmir
ii)	District	=	Jammu
iii)	Forest Division, Forest Block Comptt. Etc	=	Jammu Forest Division, Bahu Range, Bahu Block & Compartment No.66/Raika & Deptt. Of Soil Conservation Jammu
3	Total land required for the project/Scheme alongwith its existing land use	=	40.6565 Hac (813 Kanal 13 Marlas) Out of total land 28.3065 Hac is in the possession of Deptt. Of Soil Conservation
4	Details for forest land involved		
i)	Legal status of forest (namely demarcated undemarcated, beline line etc.)	=	Demarcated forest land
ii)	The details of flora existing in the area including the density of vegetation	=	07-08
iii)	Topography of the area indicating gradient aspect, altitude etc.	=	Undulating all aspects, Modest to steep slope
iv)	Its Vulnerability to erosion, whether it forms a part of seriously eroded area or not	=	Less vulnerable to the erosion
v)	Whether it forms a part of National Park, Wild Life sanctuary, Natural Reserve, Biosphere Reserve etc if so details of the area involved.	=	Yes, part of Bahu Game Reserve
vi)	Rare/endangered species of Flora and Fauna found in the area.	=	No
vii)	Whether it is a habited for migrating fauna or forms breeding's ground for them and	=	No
viii)	Any other feature of the area relevant to the proposal	=	NA

B While furnishing details of Flora and Fauna the species should be described by their scientific names

5 If the project for which forest land is required involved displacement of people or required raw material from any forest area, the details of proposals for their rehabilitants and procurement of raw material respectively should be furnished.

Proposed steps to be taken to compensate for the loss of the forest areas the vegetation and wild life with special reference to.

Compensatory afforestation scheme (if enclosed)

Cost of land (approx)

Cost of compensation for trees and number of trees involved

(Whether cost of compensation for trees assessed and species and the class wise abstract of trees enclosed)

Any other steps proposed Net Present Value (NPV as per the directions of Hon'ble Supreme Court) @ 8.45Lac per hac.

CAS of Jammu Forest Division = Rs. 24,70,000.00

= CAS of Soil Conservation = Rs. 56,61,300.00

Total = Rs. 81,31,300.00

NPV of Jammu Division = Rs. 5,21,78,750.00

= NPV of Soil Conservation = Rs. 11,95,94,965.00

Total = Rs. 17,17,73,715.00

Enumeration of trees is in progress (Jammu Forest Division more than 3000 trees (Approx), Deptt. Of Soil Conservation more than 10000 trees (Approx).

Total = Rs. 17,17,73,715.00

[Signature]
District Soil Conservation Officer
Jammu

[Signature]
R.O. Baku.

[Signature]
Divisional Forest Officer
Jammu Forest Division, Jammu

7 Detail opinion of the Chief Conservator of Forests covering the following aspects namely:

- i) Out turn of timber, fuelwood and other forest produce from the forest land involved. =
- ii) Whether the district is well sufficient in timber and fuelwood =
- iii) The effect of the proposal on =
 - a) Fuelwood, supply of rural population =
 - b) Economy and livelihood of the Tribals backward communities =
- iv) Special recommendations of the Chief Conservator of Forests for acceptance or rejection of the proposal with reasons thereof =

Certified that all other alternatives for the purpose have been explored and the demand for the required area is the minimum demand for forest land.

[Signature]
Signature of the Director Litigation Jammu

[Signature]
Conservator of Forests Jammu

[Signature]
Chief Conservator of Forests, Jammu Region, JAMMU.

8 Recommendation of Principal Chief Conservator of Forests

[Handwritten] Certified that all other alternative for the purpose have been explored & the demand for the required area is the minimum demand for forest land

[Signature]
Pr, Chief Conservator of Forests



Office Address.

May to Oct: Forest Complex, Sheikh Bagh, Lal Chowk-Sgr 190001
Ph: 0194-2484939, 2483937, Fax 0194-2455027
Nov. to Apl. Van Bhawan Below Gumat 180001
Ph: 0191-2548397, 2560585, Fax 0191-2547276
URL Address: www.jkforest.com

Government of Jammu and Kashmir
Office of the Principal Chief Conservator of Forests, J&K, Srinagar

The Commissioner/ Secretary to Government,
Department of Forest, Ecology & Environment
Civil Secretariat, Srinagar

No: PCCF/FCA/3001/ 4565-66

Dated 18/10/2019

Sub: Proposal to allow use of 40.6565 Ha of forest land for development of Judicial Infrastructure for High Court at Jammu in Jammu Forest Division by Law, Justice and Parliamentary Department.

Sir,

The CCF Jammu, vide his office No. CCF/J/FCA/1217-19 Dated. 15-10-2019 has submitted the above-cited proposal with below given details for consideration of the Forest Advisory Committee:-

(A) Details of the Proposal:

1.	User Agency/Applicant	Law, Justice & Parliamentary Affairs Department				
2.	Location	Comptt. : 66/Raika Range : Bahu (Bahu Conservation Reserve) Division : Jammu Forest Division District : Jammu				
3.	Objective	Establishment of Judicial Infrastructure for High Court at Jammu				
4.	Salient Features of the project:					
	I	Forest area involved for Development of Judicial Infrastructure for High court at Jammu	40.6565 Ha. (28.3065 Ha under the possession of Soil Conservation Department and 12.35 Ha under the possession of Jammu Forest Division)			
5.	Number of Trees / Poles/ Saplings involved:		Enumeration of trees is in progress (Jammu Forest Division more than 3000 trees (Approx) and Department of Soil Conservation 10000 trees (Approx)			
6.	Net Present Value of forest land involved: (5 times since falling in Bahu Conservation Reserve)					
	Comptt. No.	Area involved (Ha.)	Crop Density	Eco-Value Class	Rate/ Ha (Rs. In Lac)	Amount (Rs.)
	66/Raika	40.6565 Ha	Dense	V	8.45	Rs. 17,17,73,715
7.	a	Whether the forest land proposed to be used			Yes	

	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.	
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 purpose, 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 an equivalent area at its own cost of acquisition. 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.
8.	Compensatory Afforestation for double the area involved i.e. 81.313 @ Rs.1 lakh per Ha.	Rs. 81,31,300/-
9.	Compensation of trees/poles/saplings	The enumeration of trees is under progress and compensation of trees shall be submitted after completion of enumeration exercise.

(B) Summary of amount to be deposited under different components:

S.No.	Component	Amount
i.	Net Present Value	Rs. 17,17,73,715
ii	Compensatory Afforestation	Rs. 81,31,300/-
Total		Rs.17,99,05,015/-

(C) 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.
 4. The forest land shall not be mortgaged, reassigned, leased or sub-leased by user agency in any manner what so ever to any other agency.
 5. The Construction shall be allowed on forest land only after payment of amount summarized above to the Forest Department and when Government sanction is issued in the case.
 6. The User Agency shall pay the additional amount of NPV, if so determined as per decision of the Hon'ble Supreme Court of India.
 7. (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, Jammu. 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 borne & paid by the User Agency directly to the agency executing the extraction.

(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.
 8. 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.
 9. Any damage done to the forest by the User Agency or its contractors shall be charged from the User Agency @ 10 times as per the revised standard rate of 2018 issued vide the Government Order No: 10-FST of 2018 dated: 09.01.2018.
 10. 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.
 11. The User Agency shall be responsible for obtaining requisite clearances under any other law in vogue before commissioning of the project.
 12. As and when asked for an amount of **Rs.17,99,05,015/-** on account of various heads as detailed in summary table above shall be paid/credited through e-transaction into the account of the Chief Accounts Officer in the office of the Principal Chief Conservator of Forests, J&K under intimation to the Nodal Officer FCA. The Govt. sanction order shall be issued only after the whole amount gets deposited with the Forest Department.
 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 i.e, from that date when user agency is asked to deposit the due amount, the approval shall be deemed to have been cancelled.
 14. The user agency shall fell minimum number of trees actually required for construction of Judicial infrastructure so as to preserve and maintain maximum number of trees since it is falling in Bahu Conservation Reserve.
 15. The Forest Clearance is subject to Wildlife Clearance from State Board of Wildlife (SBWL) and National Board of Wildlife (NBWL)
 16. The Forest land shall not be allowed for construction of residential Building/Colony.

17. The User Agency shall abide by all the terms and conditions to be imposed by the SBWL and NBWL while issuing Wildlife Clearance.
18. Additional NPV imposed by the SBWL and NBWL shall be deposited by the User Agency.
19. The User Agency shall deposit 5% of Project Cost to the J&K Wildlife Protection Department
20. The User Agency shall pay the Compensation of Trees/Poles/Saplings as assessed by the Forest Department.
21. The Forest Department shall not be used for any Commercial Purpose.

I am directed to request that this office be allowed to place the proposal before the Forest Advisory Committee for accord of Inprinciple approval.

Yours faithfully,

K. Ramesh Kumar 15/10/19
(K. Ramesh Kumar), IFS
Chief Conservator of Forests
Nodal Officer/ Member Secretary (FAC)

Encls: Annexure (Rule-6) with required certificate from PCCF.

Copy for information to the:-

1. Secretary to Government, Department of Law, Justice and parliamentary Affairs, Civil Secretariat, Srinagar.
2. Chief Conservator of Forests, Jammu.
3. Conservator of Forests, East Circle, Jammu
4. Director, Litigation Jammu
5. Divisional Forest Officer, Jammu Forest Division
6. Pvt. Secretary to PCCF for kind information of PCCF.

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K. Ramesh Kumar
Chief Conservator of Forests
(FAC)/

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Government of Jammu and Kashmir
Office of the Principal Chief Conservator of Forests, J&K Srinagar

- | | |
|---|-----------------------|
| 1. Financial Commissioner, Finance Department, J&K Srinagar | Member |
| 2. Financial Commissioner (Revenue), J&K Srinagar | Member |
| 3. Principal Secretary, Planning Dev. & Monitoring Department, J&K Srinagar | Member |
| 4. Commissioner/ Secretary Forest, Ecology & Env. Department, J&K Srinagar | Member |
| 5. PCCF/ Director, Soil and Water Conservation Department, J&K Srinagar | Member |
| 6. PCCF/Director, Environment Ecology & Remote Sensing, J&K Srinagar | Member |
| 7. Principal Chief Conservator of Forests, J&K Srinagar. | Member |
| 8. Chief Wildlife Warden J&K. Srinagar | Member |
| 9. Dr. S. P. Singh Dutta (Environmentalist) | Member (Non-Official) |
| 10. Dr. G. A. Bhat (Environmentalist) | Member (Non-Official) |

No: PCCF/FCA/2996-Part-I/4468-97

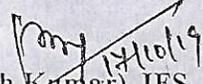
Dated: 17/10/2019

Sub: Minutes of the 117th Meeting of the Forest Advisory Committee.

Sir,

Kindly find enclosed herewith Minutes of the 117th Meeting of the Forest Advisory Committee held on 15.10.2019 under the Chairmanship of the Chief Secretary, J&K Government.

Yours faithfully,


(K. Ramesh Kumar), IFS
Chief Conservator of Forests (FCA)
Member Secretary
Forest Advisory Committee, J&K.

Copy alongwith Minutes for information and necessary action to the:

1. Commissioner/ Secretary to Govt. Power Development Department J&K Srinagar.
2. Commissioner/Secretary to Govt. PWD (R&B) Department J&K Srinagar.
3. Commissioner/ Secretary to Govt. PHE, Irrigation & Flood Control Department J&K Srinagar.
4. Secretary to Government Law Justice and Parliamentary Affairs, J&K Srinagar.
5. Secretary to Government Higher Education Department, J&K Srinagar.
6. Director, Social Forestry Department, J&K Srinagar.
7. Managing Director, State Forest Corporation J&K Srinagar.
8. Chief Conservator of Forests, Kashmir.
9. Chief Conservator of Forests, Jammu.
10. Chief Engineer, PMGSY, Kashmir.
11. Chief Engineer, PMGSY, Jammu
12. Chief Engineer, PWD (R&B) Jammu
13. Chief Engineer, PHE, Kashmir.
14. Chief Engineer, System and Operation Wing, PDD Kashmir.
15. Chief Engineer, Power Development Department, (EM&RE) Jammu
16. Managing Director, NHIDCL, Jammu.
17. Manager, Corporate Affairs Reliance JIO Jammu Circle.
18. Commanding Officer 35 Gorkha Rifles (Frontier force) C/o 56 APO
19. PPS to the Chief Secretary, J&K Govt., for information of the worthy Chief Secretary, J&K Govt, (Chairman FAC).

MINUTES OF THE 117th MEETING OF THE FOREST ADVISORY COMMITTEE HELD UNDER THE CHAIRMANSHIP OF SH. B. V. R. SUBRAHMANYAM, IAS, CHIEF SECRETARY, JAMMU AND KASHMIR, AT CIVIL SECRETARIAT, SRINAGAR ON 15.10.2019.

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1. The 117th Meeting of the Forest Advisory Committee (FAC) constituted under the Jammu and Kashmir Forest (Conservation) Act, 1997, was held under the chairmanship of Sh. B. V. R. Subrahmanyam, IAS, Chief Secretary, Jammu and Kashmir, at Civil Secretariat, Srinagar on 15th October, 2019.

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

(I) Members

- | | |
|---------------------------------|---|
| 1. Dr. Pawan Kotwal, IAS | Financial Commissioner (Revenue), J&K |
| 2. Sh. Rohit Kansal, IAS | Principal Secretary, Planning, Monitoring & Development Department, J&K |
| 3. Sh. Manoj Kumar Dwivedi, IAS | Commissioner/ Secretary to Govt., Forest, Ecology & Environment Department, J&K |
| 4. Sh. P. K. Singh, IFS | Pr. CCF/ Director, Soil & Water Conservation Department, J&K |
| 5. Dr. Mohit Gera, IFS | Pr. Chief Conservator of Forests, J&K |
| 6. Sh. S. K. Gupta, IFS | Chief Wildlife Warden, J&K |
| 7. Dr. S. P. Singh Dutta | Member (Non-Official) |
| 8. Dr. G. A. Bhat | Member (Non-Official) |
| 9. Sh. K. Ramesh Kumar, IFS | Chief Conservator of Forests (FCA)
Member Secretary, Forest Advisory Committee |

(II) Special Invitees

- | | |
|------------------------------|--|
| 1. Sh. Hirdesh K. Singh, IAS | Commissioner/ Secretary to Govt. Power Development Department, J&K |
| 2. Sh. Ajeet Kumar Sahu, IAS | Commissioner/ Secretary to Govt. PHE, I&FC. Department, J&K |
| 3. Mrs. Neelu Gera, IFS | Director Social Forestry Department, J&K |



- | | |
|---------------------------|---|
| 4. Sh. Vasu Yadav, IFS | Managing Director, State Forest Corporation, J&K |
| 5. Syed F.A Gillani, IFS | Chief Conservator of Forests, Kashmir |
| 6. Shri P. K. Raghaw, IFS | Secretary (Technical) Forests, J&K |
| 7. Er. Showkat Pandit | Chief Engineer, PMGSY, Kashmir |
| 8. Manzoor Khan | Director Finance , PWD (R&B) Representative of Commissioner /Secretary to Govt. PWD (R&B) |
| 9. Irfan Mir | Manager Corporate Affairs Reliance JIO Jammu |
| 10. Tajamul Ajaz | Representative from NHIDCL, Jammu |

Chief Conservator of Forests, Jammu and Representatives of PWD (R&B) , Jammu participated through Video Conference.

3. The Forest Advisory Committee (FAC) considered the following proposals relating to use of forest land for non-forestry purposes under the Jammu and Kashmir Forest Conservation Act,1997 as were presented by Sh. K. Ramesh Kumar, IFS, Member Secretary, Forest Advisory Committee, J&K:

Agenda No	Proposal	Observations/Decision
117.01	Proposal to allow use of 0.14 Ha. of forest land for laying of 132/KV Double Circuit Badampora – Bandipora Transmission line (BBTL) at Chewa Khursu in the unit of Soil & Water Conservation Baramulla by PDD.	The proposal was approved on the terms and conditions laid down in the agenda.
117.02	Proposal to allow use of 0.643 Ha. of forest land for conversion of existing over head HT/LT Network to underground cabling of power supply at Patnitop in Udampur & Batote Forest Divisions by PDD	The proposal was approved on the terms and conditions laid down in the agenda.
117.03	Proposal to allow use of 0.7 Ha. of forest land for laying of 11 KV (HT) for Rural Electrification at Kathila in Udampur Forest Division by PDD	The proposal was approved on the terms and conditions laid down in the agenda.



117.04	Proposal to allow use of 0.040 Ha. of forest land for Drilling of tube wells at Choglamsar under UIDSSMT in Leh Forest Division by PHE	The proposal was approved on the terms and conditions laid down in the agenda.
117.05	Proposal to allow use of 0.0625 Ha. of forest land for construction of Helipad at village Amla near Kalsian in Nowshera Forest Division by Army.	The proposal was approved on the terms and conditions laid down in the agenda.
117.06	Proposal to allow use of 2.28 Ha. of forest land for laying of Optical Fibre Cable along Chattroo-Synthan State Highway in Marwah Forest Division by Jio Infocomm Ltd.	The proposal was approved on the terms and conditions laid down in the agenda. The User Agency shall ensure that the optical fibre is laid only on the uphill side and the soil excavated for the purpose is properly compacted to avoid its erosion.
117.07	Proposal to allow use of 0.0185 Ha. of forest land for erection of Tower (10 m X 10 m) and laying of 170 M optical fibre in Comptt. No. 12/K of Kalidhar range in Jammu Forest Division by Reliance Jio Infocomm Ltd.	The proposal was approved on the terms and conditions laid down in the agenda. The User Agency shall ensure that the optical fibre is laid only on the uphill side and the soil excavated for the purpose is properly compacted to avoid its erosion.
117.08	Proposal to allow use of 0.021 Ha. of forest land for erection of Tower (10 m X 10 m) and laying of 220 M optical fibre in Comptt. No 21/K of Kalidhar range in Jammu Forest Division by Reliance Jio Infocomm Ltd.	The proposal was approved on the terms and conditions laid down in the agenda. The User Agency shall ensure that the optical fibre is laid only on the uphill side and the soil excavated for the purpose is properly compacted to avoid its erosion.
117.09	Proposal to allow use of 0.0275 Ha. of forest land for erection of Tower (10 M X 10 M) and laying of 350 M optical fibre in Comptt. No. 10/K of Kalidhar range in Jammu Forest Division by Reliance Jio Infocomm Ltd	The proposal was approved on the terms and conditions laid down in the agenda. The User Agency shall ensure that the optical fibre is laid only on the uphill side and the soil excavated for the purpose is properly compacted to avoid its



		erosion.
117.10	Proposal to allow use of 0.028 Ha. of forest land for erection of Tower (10m x 10 m) and laying of 360 M optical fibre in Comptt. N0 10/K of Kalidhar range Jammu Forest Division by Reliance Jio Infocomm Ltd.	The proposal was approved on the terms and conditions laid down in the agenda. The User Agency shall ensure that the optical fibre is laid only on the uphill side and the soil excavated for the purpose is properly compacted to avoid its erosion.
117.11	Proposal to allow use of 3.735 Ha. of forest land for construction of road from Dhamunda Morh to Jai via Manthla Kakool in Bhaderwah Forest Division by PWD (R&B).	The proposal was deferred on the account of large number of trees coming in the alignment. The User Agency was asked to review re-alignment of the road to reduce the width of the proposed road to 4 meters, so as to limit the felling of the trees to a bare minimum.
117.12	Proposal for felling of 49 trees for Construction of Box Type RCC Deep Drain and Parking near Presentation Convent School at Gandi Nagar in Urban Forestry Division, Jammu, by PWD (R&B)	The proposal was approved on the terms and conditions laid down in the agenda.
117.13	Proposal to allow use of 0.603 Ha. of forest land for construction of road from Champa to Dhaino Package No JK04-106 Phase -VIII Stage-I in Batote Forest Division by PMGSY	The proposal was approved on the terms and conditions laid down in the agenda.
117.14	Proposal to allow use of 0.71 Ha. of forest land for construction of road from Dalian to Dhamanda Package No JK 04-311 Stage I&II combined phase-X in Bhaderwah Forest Division by PMGSY	The proposal was approved on the terms and conditions laid down in the agenda.
117.15	Proposal to allow use of 2.00 Ha. of forest land for construction of road from Khunga Kothi Jagir to Duthan Jagir Package No JK04-272, Phase XI Stage-I in Batote Forest Division by PMGSY	The proposal was approved on the terms and conditions laid down in the agenda with further stipulation that the User Agency shall reduce width of the road to 5 Meters.
117.16	Proposal to allow use of 1.00 Ha. of forest	The proposal was approved on the

	land for construction of Motorable road from Margi to Sukhnai in Marwah Forest Division by PMGSY	terms and conditions laid down in the agenda.
117.17	Proposal to allow use of 7.5975 Ha. of forest land for construction of motorable road from Sohal to Chitoo in Kishtwar Forest Division by PMGSY	The proposal was approved on the terms and conditions laid down in the agenda.
117.18	Proposal to allow use of 6.88 Ha. of forest land for construction of road from Thalala to Jagota in Bhaderwah Forest Division by PMGSY	The proposal was approved on the terms and conditions laid down in the agenda.
117.19	Proposal to allow use of 1.032 Ha. of forest land for construction of road from Chontiwari to Doban (Matchil) in Kamraj Forest Division by PMGSY	The proposal was approved on the terms and conditions laid down in the agenda.
117.20	Proposal to allow use of 1.48 Ha. of forest land for construction of road from Pulwama Keller Sangerwani T02 RD 30900 to Banjran in Shopian Forest Division by PMGSY	The proposal was approved on the terms and conditions laid down in the agenda.
117.21	Proposal to allow use of 0.402 Ha. of forest land for construction of road from Shahpora to Bumnard in Lidder Forest Division by PMGSY.	The proposal was approved on the terms and conditions laid down in the agenda.
SUPPLEMENTARY AGENDA		
117.22	Proposal for use of 0.79 Ha of Forest land (Social Forestry Closure) for re-alignment of 132 KV DC Between Ramban-Banihal Section in Social Forestry Division, Ramban by PDD (for Konkan Railway).	The proposal was approved on the terms and conditions laid down in the agenda.
117.23	Proposal to allow use of 4.65 Ha. of forest land for construction of 2.50 MV, 220/33 KV Grid Station Nagrota in Jammu Forest Divisions by PDD	The proposal was approved on the terms and conditions laid down in the agenda.
117.24	Proposal to allow use of 0.162 Ha. of forest land for construction of 20,000 Gallons GSR at Thanger under WSS Tallian Kala Chang in Nowshera Forest Division by PHE.	The proposal was approved on the terms and conditions laid down in the agenda.

117.25	Proposal for felling of 327 No of Trees/Poles coming under upgradation of Four lane section of NH-144A Jammu Akhnoor road near Mishriwala (Poultry farm) of SF Block Nagbani in Social Forestry Division, Jammu by National Highway and Infrastructure Development Corporation Limited (NHIDCL)	The proposal was approved on the terms and conditions laid down in the agenda.
117.26	Proposal to allow use of 20.5 Ha of forest land for expansion of Army depot of 2203 Ammunition Coy in samba (Relocation of Ammunition Depot) in Samba Forest Division by Higher Education Department	The proposal was approved on the terms and conditions laid down in the agenda.
117.27	Proposal to allow use of 2.23 Ha. of forest land for construction of road from Gatyal Morh to Salara in Udhampur Forest Division by PMGSY	The proposal was approved on the terms and conditions laid down in the agenda.
117.28	Proposal to allow use of 0.18 Ha. of forest land for construction of road from Kainthgali Barinote road Km26th to Lower Basnote in Social Forestry Division, Udhampur by PMGSY	The proposal was approved on the terms and conditions laid down in the agenda.
117.29	Proposal to allow use of 2.16 Ha. of forest land for construction of road from Kohag to Bhatodi in Billawar Forest Division by PMGSY.	The proposal was approved on the terms and conditions laid down in the agenda.
117.30	Proposal to allow use of 0.94 Ha. of forest land for construction of road from Kudetar to Baggan in Billawar Forest Division by PMGSY	The proposal was approved on the terms and conditions laid down in the agenda.
117.31	Proposal to allow use of 1.00 Ha. of forest land for construction of road from Km 12 th of LO 27 to Kote Charwal in Reasi Forest Division by PMGSY	The proposal was approved on the terms and conditions laid down in the agenda, with further stipulation that the User Agency shall reduce width of the road to 4 Meters.
117.32	Proposal to allow use of 0.30 Ha. of forest land for construction of road from LO 31-TO 2 Km 4 th to Dharamsal in Nowshera	The proposal was approved on the terms and conditions laid down in the agenda.

	Forest Division by PMGSY	
117.33	Proposal to allow use of 0.435 Ha. of forest land for construction of road from LO 36 –LO 37 Km 3 rd to Channi in Nowshera Forest Division by PMGSY.	The proposal was approved on the terms and conditions laid down in the agenda.
117.34	Proposal to allow use of 0.39 Ha. of forest land for construction of road from LO-44-LO 34 to Narota in Nowshera Forest Division by PMGSY	The proposal was approved on the terms and conditions laid down in the agenda.
117.35	Proposal to allow use of 0.66 Ha. of forest land for construction of road from LO 45 to Narla part 2 nd in Reasi Forest Division by PMGSY.	The proposal was approved on the terms and conditions laid down in the agenda.
117.36	Proposal to allow use of 6.1775 Ha. of forest land for construction of motorable road from Lopara to Hanzal Phase-X , Package No. 04-167 in Marwah Forest Division by PMGSY.	The proposal was deferred on the account of large number of trees coming in the alignment. The User Agency was asked to review re-alignment of the road by reducing the width of the proposed road to 4 Meters, so as to limit the felling of trees to a bare minimum.
117.37	Proposal to allow use of 3.83 Ha. of forest land for construction of road from Pachound to Chapper in Udampur Forest Division by PMGSY.	The proposal was approved on the terms and conditions laid down in the agenda, with further stipulation that the User Agency shall reduce width of road to 4 Meters.
117.38	Proposal to allow use of 0.475 Ha. of forest land for construction of motorable road from Sirshi to Chhichaa in Marwah Forest Division by PMGSY.	The proposal was approved on the terms and conditions laid down in the agenda.
117.39	Proposal to allow use of 4.139 Ha. of forest land for construction of road from TO3 Block Boundary to Hathal in Nowshera Forest Division by PMGSY.	The proposal was approved on the terms and conditions laid down in the agenda.
117.40	Proposal to allow use of 0.76Ha. of forest land for Upgradation of road from TO3-TO2 Km 7 th to Khabber in Nowshera Forest Division by PMGSY	The proposal was approved on the terms and conditions laid down in the agenda.

117.41	Proposal to allow use of 13.455 Ha. of forest land for construction of road from Kanthan to Sawalakote-I (upto Dhandi) in Mahore Forest Division by PMGSY	The proposal was approved on the terms and conditions laid down in the agenda.
117.42	Proposal to allow use of 7.36 Ha. of forest land for construction of motorable road from Nowpachi to Dehrana upto Hanzal Package No. JK04-166, Phase X in Marwah Forest Division by PMGSY.	The proposal was deferred on the account of large number of trees coming in the alignment. The User Agency was asked to review re-alignment of the road by reducing the width of the proposed road to 5 Meters, so as to limit the felling of trees to a bare minimum.
117.43	Proposal to allow use of 9.51 Ha. of forest land in Compartment No 6 and 7 Chowadi for deployment of operational assets to strengthen defence covering to region in Jammu Forest Division by Indian Air Force (IAF).	The proposal was approved subject to clearance from the State Board of Wildlife (SBWL) and National Board of Wildlife (NBWL). The proposal shall be placed in the SAC for approval only after clearance from SBWL and NBWL is received by the Forest Department. The NPV and other charges shall be paid by the User Agency as per the applicable terms and conditions.
117.44	Proposal to allow use of 135.57 Ha. of forest land in Compartment No 6 old and 8 New Chowadi for establishment of small arms Firing Range (Long Range) in Jammu Forest Division by BSF.	The proposal was approved subject to clearance from the State Board of Wildlife (SBWL) and National Board of Wildlife (NBWL). The proposal shall be placed in the SAC for approval only after clearance from SBWL and NBWL is received by the Forest Department. The NPV and other charges shall be paid by the User Agency as per the applicable terms and conditions.
117.45	Proposal to allow use of 2.725 Ha. of	The proposal was approved on the

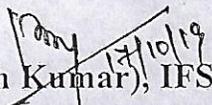
	forest land for construction of 33KV line from Railway station Pouni to R/Stn Dadua in Reasi Forest Division by PDD	terms and conditions laid down in the agenda.
117.46	Proposal to allow use of 40.6565 Ha of forest land for development of Judicial Infrastructure for High Court at Jammu in Jammu Forest Division by Law , Justice and Parliamentary Affairs Department.	The proposal was approved in principle subject to clearance from the State Board of Wildlife (SBWL) and National Board of Wildlife (NBWL). The NPV and other charges shall be paid by the User Agency as per the applicable terms and conditions..

4. During deliberations on the proposals, the FAC issued the following directions for observance by the concerned.

- (i) The Forest Department shall provide funds out of CAMPA to the Power Development Department for undertaking study of impact on flora and fauna by laying transmission line through forest areas. The Power Development Department may engage consultants/experts such as those from Wildlife Institute of India for the purpose.
- (ii) The Monitoring Committees shall closely monitor the works being undertaken in the forest areas. For effective monitoring, one non-official member shall be included in all the circle level monitoring committees constituted for monitoring the observance of terms and conditions imposed by the Forest Advisory Committee (FAC) while sanctioning the proposals.
- (iii) The Forest Department shall place in the next FAC meeting the details of Forest Division wise area diverted and forest division wise amount allotted/spent for carrying out compensatory afforestation under CAMPA.
- (iv) The User Agencies shall strictly adhere to the instructions issued by the FAC/Forest Department wherein they have been asked to consult the Forest Department at the project conceptualization stage to ensure working out proposals/ alignments which involve bare minimum felling of trees as far as possible, and undertaking compensatory afforestation over alternate land in lieu of diversion of forest land and overall preservation of flora and fauna
- (v) The User Agency shall undertake transplantation of saplings as well as poles (10-20 cms) to nearby degraded forest areas in consultation with the Forest Department.

- (vi) FAC directed the Chief Engineer, PMGSY to complete the road projects upto June 2020 which will provide much needed connectivity to the people living in the remote pockets of J&K.

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


(K. Ramesh Kumar), IFS
Chief Conservator of Forests (FCA) /
Member Secretary,
Forest Advisory Committee, J&K.

R.C.I.P.
 No. 6009
 Dated 13/11/19
 OFFICE

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

The Pr. Chief Conservator of Forests,
 J&K, Jammu.

No:-FST/Land/49/2019

Dated: 11.11.2019

Subject: Use of forest land for non-forestry purpose(117th FAC).

Sir,

I am directed to inform that the General Administration Department has conveyed the approval of the Competent Authority (i.e. State Administrative Council) vide Decision No. 259/22/2019 dated 22.10.2019 in respect of the below mentioned land diversion cases on the terms and conditions mentioned against each as recommended by the Forest Advisory Committee in its 117th meeting held on 15.10.2019 subject to the clearance of all outstanding dues in case of Non-state User Agencies & as per SAC decision No. 189/19/2019 dated 30.07.2019 and fulfilling other conditions including amount assessed for compensatory afforestation and NPV. Further the SAC observed as under:-

*Cell (2019)
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"SAC approved the proposals with the directions that in proposal 41 of the memorandum(allowing use of 40.6565 Ha of forest land for development of judicial infrastructure for High Court in Jammu Forest Division by the Department of Law, Justice and Parliamentary Affairs:, the user agency shall restrict the number of trees to be felled to 3000."

*1 page up
 next Page
 been done.
 13/11/19*

Agenda No	Proposal
117.01	Proposal to allow use of 0.14 Ha. of forest land for laying of 132/KV Double Circuit Badampora – Bandipora Transmission line (BBTL) at Chewa Khursu in the unit of Soil & Water Conservation Baramulla by PDD.
117.02	Proposal to allow use of 0.643 Ha. of forest land for conversion of existing over head HT/LT Network to underground cabling of power supply at Patnitop in Udhampur & Batote Forest Divisions by PDD
117.03	Proposal to allow use of 0.7 Ha. of forest land for laying of 11 KV (HT) for Rural Electrification at Kathila in Udhampur Forest Division by PDD
117.04	Proposal to allow use of 0.040 Ha. of forest land for Drilling of tube wells at Choglamsar

117.05	Proposal to allow use of 0.0625 Ha. of forest land for construction of Helipad at village Amla near Kalsian in Nowshera Forest Division by Army.
117.06	Proposal to allow use of 2.28 Ha. of forest land for laying of Optical Fibre Cable along Chattroo-Synthan State Highway in Marwah Forest Division by Jio Infocomm Ltd.
117.07	Proposal to allow use of 0.0185 Ha. of forest land for erection of Tower (10 m X 10 m) and laying of 170 M optical fibre in Comptt. No. 12/K of Kalidhar range in Jammu Forest Division by Reliance Jio Infocomm Ltd.
117.08	Proposal to allow use of 0.021 Ha. of forest land for erection of Tower (10 m X 10 m) and laying of 220 M optical fibre in Comptt. No 21/K of Kalidhar range in Jammu Forest Division by Reliance Jio Infocomm Ltd.
117.09	Proposal to allow use of 0.0275 Ha. of forest land for erection of Tower (10 M X 10 M) and laying of 350 M optical fibre in Comptt. No. 10/K of Kalidhar range in Jammu Forest Division by Reliance Jio Infocomm Ltd.
117.10	Proposal to allow use of 0.028 Ha. of forest land for erection of Tower (10m x 10 m) and laying of 360 M optical fibre in Comptt. NO 10/K of Kalidhar range Jammu Forest Division by Reliance Jio Infocomm Ltd.
117.12	Proposal for felling of 49 trees for Construction of Box Type RCC Deep Drain and Parking near Presentation Convent School at Gandhi Nagar in Urban Forestry Division, Jammu, by PWD (R&B)
117.13	Proposal to allow use of 0.603 Ha. of forest land for construction of road from Champa to Dhaino Package No JK04-106 Phase -VIII Stage-I in Batote Forest Division by PMGSY
117.14	Proposal to allow use of 0.71 Ha. of forest land for construction of road from Dalian to Dhamanda Package No JK 04-311 Stage I&II combined phase-X in Bhaderwah Forest Division by PMGSY
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117.16	Proposal to allow use of 1.00 Ha. of forest land for construction of Motorable road from Margi to Sukhnai in Marwah Forest Division by PMGSY
117.17	Proposal to allow use of 7.5975 Ha. of forest land for construction of motorable road from Sohal to Chitoo in Kishtwar Forest Division by PMGSY
117.18	Proposal to allow use of 6.88 Ha. of forest land for construction of road from Thalala to Jagota in Bhaderwah Forest Division by PMGSY
117.19	Proposal to allow use of 1.032 Ha. of forest land for construction of road from Chontiwari to Doban (Matchil) in Kamraj Forest Division by PMGSY
117.20	Proposal to allow use of 1.48 Ha. of forest land for construction of road from Pulwama Keller Sangerwani T02 RD 30900 to Banjran in Shopian Forest Division by PMGSY
117.21	Proposal to allow use of 0.402 Ha. of forest land for construction of road from Shahpora to Bunnard in Lidder Forest Division by PMGSY.
117.22	Proposal for use of 0.79 Ha of Forest land (Social Forestry Closure) for re-alignment of 132 KV DC Between Ramban-Banihal Section in Social Forestry Division, Ramban by PDD (for Konkan Railway).
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117.24	Proposal to allow use of 0.162 Ha. of forest land for construction of 20,000 Gallons GSR at Thanger under WSS Tallian Kala Chang in Nowshera Forest Division by PHE.
117.25	Proposal for felling of 327 No of Trees/Poles coming under upgradation of Four lane section of NH-144A Jammu Akhnoor road near Mishriwala (Poultry farm) of SF Block Nagbani in Social Forestry Division, Jammu by National Highway and Infrastructure Development Corporation Limited (NHIDCL)
117.26	Proposal to allow use of 20.5 Ha of forest land for expansion of Army depot of 2203 Ammunition Coy in samba (Relocation of Ammunition Depot) in Samba Forest Division by Higher Education Department

117.27	Proposal to allow use of 2.23 Ha. of forest land for construction of road from Gatyal Morh to Salara in Udhampur Forest Division by PMGSY
117.28	Proposal to allow use of 0.18 Ha. of forest land for construction of road from Kainthgali Barinote road Km26th to Lower Basnote in Social Forestry Division, Udhampur by PMGSY
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117.32	Proposal to allow use of 0.30 Ha. of forest land for construction of road from LO 31- TO 2 Km 4 th to Dharamsal in Nowshera Forest Division by PMGSY
117.33	Proposal to allow use of 0.435 Ha. of forest land for construction of road from LO 36 -LO 37 Km 3 rd to Channi in Nowshera Forest Division by PMGSY.
117.34	Proposal to allow use of 0.39 Ha. of forest land for construction of road from LO-44- LO 34 to Narota in Nowshera Forest Division by PMGSY
117.35	Proposal to allow use of 0.66 Ha. of forest land for construction of road from LO 45 to Narla part 2 nd in Reasi Forest Division by PMGSY.
117.37	Proposal to allow use of 3.83 Ha. of forest land for construction of road from Pachound to Chapper in Udhampur Forest Division by PMGSY.
117.38	Proposal to allow use of 0.475 Ha. of forest land for construction of motorable road from Sirshi to Chhichaa in Marwah Forest Division by PMGSY.
117.39	Proposal to allow use of 4.139 Ha. of forest land for construction of road from TO3 Block Boundary to Hathal in Nowshera Forest Division by PMGSY.
117.40	Proposal to allow use of 0.76Ha. of forest land for Upgradation of road from TO3-TO2 Km 7 th to Khabber in Nowshera Forest Division by PMGSY
117.41	Proposal to allow use of 13.455 Ha. of forest land for construction of road from Kanthan to Sawalakote-I (upto Dhandi) in Mahore Forest Division by PMGSY
117.45	Proposal to allow use of 2.725 Ha. of forest land for construction of 33KV line from Railway station Pouni to R/Stn Dadua in Reasi Forest Division by PDD
117.46	Proposal to allow use of 40.6565 Ha. of forest land for development of Judicial Infrastructure for High Court at Jammu in Jammu Forest Division by Law, Justice and Parliamentary Affairs Department.

In this regard, I am directed to request you to recover the requisite amount from the User Agencies including any other amount due as per terms and conditions of the FAC and intimate accordingly to this department, so that necessary sanction for use of forest land for non forestry purposes are issued.

Yours faithfully

Under Secretary to Government
Department of Forests, Env. & Ecology



JAMMU & KASHMIR DEPARTMENT OF WILDLIFE

May to October: Near Hotel Lalit, Boulevard Road Srinagar-190001 Ph:0
November to April: Manda Hills, Near Ashoka Hotel Jammu-180005 Ph:0
Website: jkwildlife.com email: jkwildlif

ON

MINUTES OF 15th MEETING OF THE STANDING COMMITTEE OF STATE BOARD FOR WILDLIFE HELD UNDER THE CHAIRMANSHIP OF SHRI K. VIJAY KUMAR, ADVISOR TO HON'BLE GOVERNOR OF J&K STATE HELD ON 18.10.2019 IN CIVIL SECRETARIAT SRINAGAR.

15th meeting of the standing committee of state board for wildlife was held under the chairmanship of Shri K.Vijay Kumar, Advisor to Hon'ble Governor of J&K State on 18.10.2019 In the Civil Secretariat Srinagar.

Following members, special invitees and representatives of the user agency attended the meeting:

A) Members

1. Sh.Navin Kumar Choudhary, IAS Principal Secretary to Government, Tourism Department
2. Sh.Manoj Kumar Dwivedi , IAS Commissioner/Secretary to Government, Forest Department.
3. Sh.Abdul Majid Secretary Revenue Department.
4. Dr.Mohit Gera IFS, Principal Chief Conservator of Forests J&K.
5. Sh.Suresh Kumar Gupta IFS, Chief Wildlife Warden J&K
6. Sh.J.Frankoi IFS Chief Conservator of Forests Eco-Tourism (Member Secretary)
7. Sh.Manish K.Sinha,IPS IG Crime J&K representing Director General of Police J&K
8. Sh.Syed Jawadul Hassan, Dy.Director FPF Srinagar representing Director Forest Protection Force J&K.
9. Sh.S.D.Swantantra IFS, Retired Pr,Chief Conservator of Forests J&K.
10. Sh.Sheikh Manzoor Ahmad Advocate J&K High Court.

B) Special Invitee

1. Sh.Praveen Kr.Raghav IFS , Spl. Secretary Technical.
2. Sh.M.S.Sultan IFS,Regional Wildlife Warden ,Ladakh.
3. Sh.Rashid Yahya Naqash Regional Wildlife Warden ,Kashmir.
4. Sh.Tahir Shawl, Regional Wildlife Warden ,Jammu.
5. Sh.Altaf Hussain, Wildlife Warden Central Division.
6. Sh.Majid Bashir ,Wildlife Warden Kishtwar.

C) Representatives of User Agencies

1. Brig.Siva.T Cdr,254(1)Armd BDR representatives of HQ 14 CORPS.
2. Er. Ashok Sharma ,Chief Engineer ,I&FC Kashmir.
3. Sh.G.A.Beig ,S.E Hydl.Circle Budgam, I&FC Kashmir
4. Sh.U.K.Sharma Xen PWD Division Kathua.
5. Assistant Engineer Border Roads Organization.
- 6-9. Representatives of Cement Plant and Mine lease owners.

After a round of introduction presented to the Chairman and threadbare deliberations following decisions were taken:

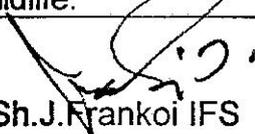
Agenda No.	Agenda	Discussions	Decision of the SCSBWL
01	Use of land for Mahay Field Firing Range at Nyoma in Changthang Wildlife Sanctuary. (User Agency: Commandant Second Landers-Gardner's House)	Brig Siva.T Cdr.254 (1) representative of Hqr.14 Corps informed that it has been mutually agreed in the meeting convened by the District administration Ladakh that present Camps at Tsokar shall be shifted to Dibring for which land is to be provided by the District administration Leh.	Proposal approved subject to the terms and conditions laid in the Agenda along with condition that the user agency shall shift the camps from Tsokar to Dibring, an area outside wildlife protected area for which land shall be provided by the District Administration, Leh.
02	Proposal for declaring Zanaskar High Altitude Wildlife Sanctuary comprising an area of 3247 Sq Kms in Kargil District.	Principal Secretary, Tourism Department emphasized upon having the need to consult all the stakeholders before any such declaration is approved. He also mentioned that the futuristic needs of development should also be considered and addressed before any such declaration. The Commissioner Secretary Forests informed the board members that the notification under the relevant provisions of J&K Wildlife Act shall only be intentional in nature and such apprehensions shall be taken care of in the preceding provisions of the Act before it is finally declared as a wildlife sanctuary.	The proposal was discussed in detail and approved. However, a committee of following officers shall examine the proposal in light of the development needs of the area and submit the report within a weeks' time: 1. Dy. Commissioner Kargil or his representative 2. Regional Wildlife Warden, Ladakh. 3. DFO Kargil. The concerns of people and developmental needs of the area shall be settled by the competent authority during the process of settlement of rights.
03	Revision of boundary of description of Changthang Cold Desert Wildlife Sanctuary	The Commissioner Secretary, Forest observed that the proposal envisages drastic increase in the area of the Changthang Wildlife Sanctuary from 4000 Sq. Km to 13500 Sq. Km. As discussed in previous agenda item, he	After detailed discussions, it was decided that Wildlife Department shall reexamine the proposal taking other stakeholders especially district administration on board.

		suggested that proposal needs to be reexamined by the Wildlife Department involving other stakeholders especially District Administration.	
04	Revisiting Decision regarding Boundaries of Wangath Conservation Reserve	The matter was discussed threadbare and agenda was agreed upon by the Board members.	Approved
05	Use of 9.40 Ha land of Bahu Wildlife Conservation Reserve at Sunjwan by Indian Air force	The matter was discussed threadbare and agenda was agreed upon by the Board members.	Approved on the terms and conditions laid down in the agenda.
06	Proposal for declaring Suru Valley Wildlife Sanctuary comprising an area of 3698 Sq Kms in Kargil District	Principal Secretary, Tourism Department emphasized upon having the need to consult all the stakeholders before any such declaration is approved. He also mentioned that the futuristic needs of development should also be considered and addressed before any such declaration. The Commissioner Forests informed the board members that the notification under the relevant provisions of J&K Wildlife Act shall only be intentional in nature and such apprehensions shall be taken care of in the preceding provisions of the Act before it is finally declared as a wildlife sanctuary.	The proposal was discussed in detail and approved. However, a committee of following officers shall examine the proposal in light of the development needs of the area and submit the report within a weeks' time: <ol style="list-style-type: none"> 1. Dy. Commissioner Kargil or his representative 2. Regional Wildlife Warden, Ladakh. 3. DFO Kargil. The concerns of people and developmental needs of the area shall be settled by the competent authority during the process of settlement of rights.
07	Use of 104.98 Hac of Achbal Wildlife Conservation Reserve at Khundroo by Indian Army	The matter was discussed threadbare and agenda was agreed upon by the Board members.	Approved as per the terms and conditions laid down in the agenda.
08	Proposal for diversion of 3.243 Ha forest/wildlife land coming under the alignment of Execution of works for improvement/ widening of Lakhanpur Their	The matter was discussed threadbare and agenda was agreed upon by the Board members.	Approved as per the terms and conditions laid down in the agenda.

	road upto double lane in Their conservation Reserve (User Agency : PWD(R&B)Division Kathua.		
09	Execution of Proposed Drainage Channel across Hokersar Wetland Reserve along age old alignment under Flood Mitigation Management Programme – Phase II (User Agency: Irrigation and Flood Control Department Kashmir).	The matter was discussed threadbare and agenda was agreed upon by the Board members. The Chairman directed the user agency to strictly abide by all the envisaged conditions in the agenda note especially Condition “n”. He also suggested to constitute a monitoring committee who shall look into the implementation of all the envisaged conditions during and after the execution of the work. Principal Secretary, Industries & Commerce & Tourism Departments emphasized upon the need for ensuring that all the excavated material is taken outside the wetland boundaries by the user agency.	Approved as per the terms and conditions laid down in the agenda along with condition that a committee of following officers shall monitor the implementation of envisaged terms and conditions: 1.Regional Wildlife Warden Kashmir. 2.Representative of Dy. Commissioner Budgam 3.Executive Engineer concerned. 4. Wildlife Warden Wetlands Division Kashmir.
10	Clearance for Ujh, multipurpose Project HEP-falling in the Eco Sensitive Zone of Jasrota Wildlife Sanctuary. (User Agency: J&K State Power Development Corporation).	The matter was discussed threadbare and agenda was agreed upon by the Board members.	Approved as per the terms and conditions laid down in the agenda.
11	Proposal for use of 40.656 Ha land in Bahu Wildlife Conservation Reserve for development of judicial infrastructure for J&K High Court. (User Agency: Department of Law, Justice and Parliamentary Affairs, J&K Govt.)	The matter was discussed threadbare and it was observed that project details are not mentioned in the proposal.	It was decided that the user agency shall provide the project details giving particulars for use of land and scope of work. It was also decided that department shall also give details of flora and fauna of the area. After getting the said details, the proposal shall be again placed before the Board/Standing Committee.

12	Proposal for use of 135.57 Ha of Land in Bahu Conservation Reserve for establishment of small arms firing Range (Long Range) in Chowadi Jammu. (User Agency: BSF).	The matter was discussed threadbare and the proposal was agreed in principle but the final decision shall be conveyed by the Chairman after visiting the site in person.	The proposal was agreed in principle on laid down terms and conditions in the agenda but the final decision shall be conveyed by the Chairman after visiting the site in person.
13	Proposal for declaring Gambir Mughlan Goral Wildlife Conservation Reserve	The matter was discussed threadbare and agenda was agreed upon by the Board members.	Approved
14	Proposal for declaring Bani Wildlife Sanctuary in Kathua District	The matter was discussed threadbare and agenda was agreed upon by the Board members.	Approved
15	Proposal for diversion of 33.60 Ha land in Changthang Cold Desert Wildlife Sanctuary for construction of road Dungti Hena-PP37 (User Agency : Border Roads Organization).	The matter was discussed threadbare and agenda was agreed upon by the Board members.	Approved as per the terms and conditions laid down in the agenda.
16	Wildlife Clearance for Proposed Cement Unit of 1200 Tonnes/ Day (3,96,000 TPA) by M/s Kashmir Cements, Village Bathayan Khrew Pulwama.	The proposal was discussed threadbare and was agreed upon by the Board members for recommending the same to Standing Committee of National Board for Wildlife.	Approved as per the terms and conditions laid down in the agenda for recommending to Standing Committee of National Board for Wildlife.
17	Wildlife Clearance for Upgradation and Expansion of Existing Cement Plant and Mining Project by M/S Trumboo Industries Private Limited	The matter was discussed threadbare. The Chairman desired to get the report from State Pollution Control Board regarding the performance of the user agency in terms of pollution control measures. However, it was agreed upon by the Board members to recommend the same to the Standing Committee of National Board for Wildlife.	Approved as per the terms and conditions laid down in the agenda for recommending to Standing Committee of National Board for Wildlife after obtaining clearance from State Pollution Control Board.
18	Clearance for Establishment of Cement Manufacturing Unit by M/s Jhelum Cements at Khrew	The proposal was discussed threadbare and was agreed upon by the Board members for recommending the same	Approved as per the terms and conditions laid down in the agenda for recommending to Standing Committee of National

		to Standing Committee of National Board for Wildlife.	Board for Wildlife.
19	Wildlife Clearance for Proposed Cement Plant of 66,000 TPA by M/s Zaffron Enterprises Pvt.Ltd. at village Khonmoh.	The proposal was discussed threadbare and was agreed upon by the Board members for recommending the same to Standing Committee of National Board for Wildlife.	Approved as per the terms and conditions laid down in the agenda recommending to Standing Committee of National Board for Wildlife.


Sh. J. Frankoi IFS
 Chief Conservator of Forests Eco-Tourism
 (Member Secretary) 

No: WLP/Tech/2019/206-24

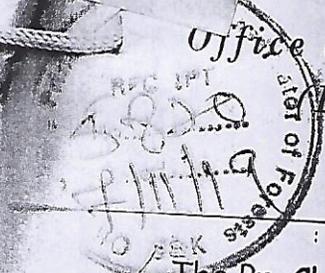
Date: 21-10-2019

Copy for information to the:-

1. Principal Secretary to Government, Tourism Department.
2. Director General of Police, J&K State.
3. Commissioner /Secretary to Government, Forest, Environment & Ecology Department.
4. Commissioner /Secretary to Government, Revenue Department
5. Principal Chief conservator of Forests, J&K
6. Chief Wildlife Warden, J&K.
7. Director, Forest Protection Force, J&K
8. OSD to Hon'ble Advisor (K) for kind information of the Hon'ble Advisor.
9. Dr. M.K.Rajitsinh, Chairman Wildlife Trust of India
10. Shri S.D.Swantantra, Retired Pr. Chief Conservator of Forests
11. Regional Wildlife Warden, Ladakh
12. Regional Wildlife Warden, Kashmir
13. Regional Wildlife Warden, Jammu
14. Shri Junaid Nazir Shah, Chairman, Wildlife Conservation Society
15. Shri Sheikh Manzoor Ahmad, Advocate J&K High Court
16. Concerned user agencies

Office of the Chief Conservator of Forests, Jammu
 Forest Complex, Exchange Road Dogra Hall)

❖ Ph: 0191- 2545 100, 2547748-FAX
 E-mail : ccfjammu1@gmail.com



The Pr. Chief Conservator of Forests,
 J&K Srinagar

No. CCF-J/ FCA/1322

Dated 23-10-2019

Sub:- Enumeration list of trees falling in the forest land for Development of Judicial Infrastructure for High Court at Jammu.

Ref:- Your office letter No. PCCF/FCA/3001/4391-97 dated 16-10-2019.

Sir,

In response to your office above cited letter kindly find enclosed the enumeration list of trees falling in Jammu Forest Division and Soil Conservation Department in Comptt. No. 66/Raika/Narwal, for development of judicial infrastructure for High Court at Jammu and compensation assessed thereof, submitted by the Divisional Forest Officer Jammu vide his office letter No. DFO-J/FCA/4298-4304 dated 22-10-2010 and No. DFO-J/FCA/4309-15 dated 22-10-2019. The abstract of trees/poles/saplings is given as under:-

S.No.	Dia-class			Total
	0-10	10-20 & 20-30	30-40 & above	
Jammu Div	141	1223	342	1706 + 22 Bamboo clumps
Soil Conservation Deptt.	33401	2200	699	36300 + 108 Bamboo clumps
Total	33542	3423	1041	38006

Hence submitted for favour of information and necessary action at your end please.

Yours faithfully

Chief Conservator of Forests
 Jammu

ccf/fca
 PCCF
 Pu
 7/11

R 903
 8/11

S/A (FCA)
 PCCF
 108/11/19



JAMMU & KASHMIR DEPARTMENT OF WILDLIFE PROTECTION

May to October: Near Hotel Lalit, Boulevard Road Srinagar-190001 Ph:0194-2501069, 2501106
November to April: Manda Hills, Near Ashoka Hotel Jammu-180005 Ph:0191-2572570, 2572571
Website: jkwildlife.com email: jkwildlife78@gmail.com

MINUTES OF 16th MEETING OF THE STANDING COMMITTEE OF STATE BOARD FOR WILDLIFE HELD UNDER THE CHAIRMANSHIP OF SHRI K. VIJAY KUMAR, ADVISOR TO HON'BLE GOVERNOR OF J&K STATE HELD ON 23.10.2019 IN CIVIL SECRETARIAT SRINAGAR.

16th meeting of the standing committee of state board for wildlife was held under the chairmanship of Shri K.Vijay Kumar, Advisor to Hon'ble Governor of J&K State on 23.10.2019 In the Civil Secretariat Srinagar.

Following members, special invitees and representatives of the user agency attended the meeting:

A) Members

1. Sh.Manoj Kumar Dwivedi IAS, Commissioner/Secretary to Government, Forest Department.
2. Sh.Abdul Majid, Secretary Revenue Department.
3. Dr.Mohit Gera IFS, Principal Chief Conservator of Forests J&K.
4. Sh.A.K.Choudhary IPS, ADGP (Co-ordination) J&K representing Director General of Police J&K
5. Sh.Suresh Kumar Gupta IFS, Chief Wildlife Warden J&K
6. Sh.J.Frankoi IFS, Chief Conservator of Forests Eco-Tourism (Member Secretary)
7. Sh.Gulzar Ahmad, Additional Secretary Tourism Department.
8. Sh.Syed Aijaz Zahoor, Law Officer, Forest Protection Force, representing Director Forest Protection Force J&K.
9. Sh.Sheikh Manzoor Ahmad, Advocate J&K High Court.

B) Special Invitee

1. Sh.Praveen Kr.Raghav IFS, Spl. Secretary Technical.
2. Sh.Showkat Ahmad, ALS Law Department, representing Secretary to Government, Department of Law, Justice & Parliamentary Affairs.
3. Sh.Rashid Yahya Naqash Regional Wildlife Warden, Kashmir.
4. Sh. Mohammad Afzal, Assistant Director, Law Department.

At the outset, the Member Secretary formally welcomed the participants and took up the agenda item for discussion. The details of discussions and decisions taken are as under:-

Agenda item No: 1 Proposal for use of forest land for development of Judicial Infrastructure for J&K High Court at Jammu.

The Member Secretary placed the detailed agenda before the committee as under:-

1.	Name of Protected Area	:	Bahu Conservation Reserve
2.	Area proposed for Diversion	:	40.6565 Ha
3.	District/ Division/ Range	:	District: Jammu Division: Jammu Forest Division

			Range: Bahu
4.	Compartment No:	:	66/Raika
5.	Applicant/ User Agency	:	Department of Law, Justice & Parliamentary Affairs J&K Government.
6.	Total Area of the Conservation Reserve.	:	19.75 Sq.Kms

Brief description of the Project:

The state Government has decided to develop judicial infrastructure for J&K High Court. In this connection, the Law Department has requisitioned that land measuring 813 kanals and 13 marlas falling under different Khasra numbers, situated at Bahu-Raika area in Jammu. As per report, the proposal involves 40.6565 Ha of forest area out of which 28.3065Ha are currently under the Soil & Water Conservation Department plantation and 12.35Ha under the control of Jammu Forest Division. The area in whole falls in the Bahu Conservation Reserve.

Background Note:

In pursuance to Government Order No: 20-FST of 1981 dated: 04.02.1981, the Bahu Conservation Reserve was notified by Deputy Commissioner (Collector) Jammu vide No: SO/2081-82 Dated: 11.02.1982.

The proposed area also falls within eco-sensitive zone of Ramnagar Wildlife Sanctuary as the aerial distance of the proposed site from the said Wildlife Sanctuary is 3.75 Km.

The area is under the administrative control of Forest & Soil Conservation Departments.

Proposal:

The proposal was placed before the Standing Committee of State Board for Wildlife in its 15th meeting held on 18.10.2019 alongwith following terms and conditions:

1. The proprietary and legal status of the land shall remain unchanged.
2. The user agency shall pay NPV (Net Present Value) in accordance with the orders of the Hon'ble Supreme Court.
3. The user agency shall pay 5% of the estimated cost of the Project for conservation and preservation of wildlife and its habitat.
4. The User Agency shall be responsible for obtaining requisite clearances under any other law in vogue.
5. No harm to any Wildlife species shall be done if found accidentally in the said area.

6. User Agency shall abide by all the directions of the Hon'ble Supreme Court, provisions of the Wildlife Protection Act, directions of the Ministry of Environment, Forest & Climate Change and orders of the State Government in this regard.
7. The Activities shall be liable to periodic check by the department and stoppage of activities shall come into force if it is found that any such provisions are not abided by the user agency.
8. Whole area of the range should be fenced by way of chain-link.
9. Waste material including muck generated during execution of project must be disposed off outside the protected area.
10. The area proposed should not be used by the user agency for any purpose other than proposed.

The case was discussed threadbare and decided as under:

"It was decided that the User Agency shall provide the project details giving particulars for use of land and scope of work. It was also decided that department shall also give details of flora and fauna of the area. After getting the said details, the proposal shall be again placed before the Board/ Standing Committee".

The detail for use of land has been provided by the User Agency through Chief Conservator of Forests (FCA). The details include undertaking construction of 90000-100000 SqM structures involving about 20% ground coverage and leaving the rest for tree covered surface parking and other open spaces. The use of construction/ buildings under the proposal is given in the write up provided by the User Agency.

Regarding the flora of the area, it is covered with mixed scrub forests with occasional Chir trees. The vegetation of the area is classified under the major group "Sub-Tropical Northern Mixed Dry Deciduous Forests" as per classification given by Champion & Seth. A variety of Sub-Tropical broad leaved trees and shrubs are found in the said Reserve. The dominant species are *Acacia modesta* (Phullai), *Dalbergia sissoo* (Shisham), *Syzygium cumini* (Jamun), *Acacia catechu* (Khair), *Acacia nilotica* (Babul), *Aegel marmelos* (Bael), *Grewia optiva* (Dhaman), *Albizia lebek* (Siris), Ber, Moringa, Vasica etc.

The faunal diversity in the Conservation Reserve consists of mammals like Jackal, Porcupine, Wild Boar, Rhesus Monkey etc. Species of snakes and other reptiles have also been found in the area. The avian fauna in the reserve comprises of Red Jungle Fowl, Little brown dove, Koel, Blue rock dove, Parakeet, Green Barbet, Common babler etc.

The number of trees, poles and saplings coming in the alignment of proposed land have been enumerated to 4605 trees/poles and 33542 saplings, out of which 2899 trees/ poles and 33401 saplings have been enumerated in the plantation area of Soil & Water Conservation Department and 1565 trees/poles and 141 saplings in the other forest land besides bamboo clumps.

It is worthwhile to mention that the said proposal has already been accorded in-principal approval by the Forest Advisory Committee in its 117th meeting held on 15.10.2019. It is also placed on record that Standing Committee of State Board for Wildlife in its 15th meeting has approved the declaration of Gambir Mughlan Goral Wildlife Conservation Reserve with an area of 21.30 SqKm (2130 Hectares).

In view of the above reply to the observations made in 15th meeting of Standing Committee of State Board for Wildlife, the proposal is again placed before the Standing Committee for its consideration with terms & conditions as under;

1. The proprietary and legal status of the land shall remain unchanged.
2. The user agency shall pay NPV (Net Present Value) in accordance with the orders of the Hon'ble Supreme Court.
3. The user agency shall pay 5% of the estimated cost of the Project for conservation and preservation of wildlife and its habitat.
4. The User Agency shall be responsible for obtaining requisite clearances under any other law in vogue.
5. No harm to any Wildlife species shall be done if found accidentally in the said area.
6. User Agency shall abide by all the directions of the Hon'ble Supreme Court, provisions of the Wildlife Protection Act, directions of the Ministry of Environment, Forest & Climate Change and orders of the Government in this regard.
7. The Activities shall be liable to periodic check by the department and stoppage of activities shall come into force if it is found that any such provisions are not abided by the user agency.
8. The whole area as per proposal should be fenced by way of chain-link.
9. Waste material including muck generated during execution of project must be disposed off outside the protected area.
10. The User Agency shall ensure that only those trees/ poles/ saplings shall be extracted which come under the alignment of construction area and rest all the trees/ poles/ saplings shall be retained as such.
11. The area proposed should not be used by the user agency for any purpose other than proposed.

12. The land so allowed to be used shall return to the department free of any encumbrances when it is no longer required by the User Agency.
13. The User Agency shall have to abide by all the conditions laid down by the Forest Advisory Committee and those mentioned in the sanction order issued by the Competent Authority. o

Decision:-

The details of the agenda item were discussed threadbare and the committee approved the proposal with following terms and conditions:

01. The proprietary and legal status of the land shall remain unchanged.
02. The user agency shall pay NPV (Net Present Value) in accordance with the orders of the Hon'ble Supreme Court.
03. The user agency shall pay 5% of the estimated cost of the Project for conservation and preservation of wildlife and its habitat.
04. The User Agency shall be responsible for obtaining requisite clearances under any other law in vogue.
05. No harm to any Wildlife species shall be done if found accidentally in the said area.
06. User Agency shall abide by:
 - a. Directions of the Hon'ble Supreme Court issued with regard to use of Wildlife areas for non-forestry use.
 - b. Provisions of the Wildlife Protection Act to avoid any penalty for violation of various sections of the said Act.
 - c. Directions of the Ministry of Environment, Forest & Climate Change with regard to use of forest/ wildlife areas for such projects specially in context of EIA notification issued under Environment Protection Act.
07. The Activities shall be liable to periodic check on monthly basis by the department and stoppage of activities shall come into force if it is found that any such provisions are not abided by the user agency.
08. The whole area as per proposal should be fenced by way of chain-link.
09. Regarding waste disposal and its management:
 - a. Construction waste generated during the execution is completely cleared from the site.
 - b. Chemical waste generated during the execution of the project shall be scientifically managed for its proper disposal.
 - c. Biodegradable waste generated during execution shall be scientifically treated and disposed off.

d. All kind of much generated during the execution shall be disposed off properly outside the limits of Conservation Reserve.

10. The User Agency shall ensure that only those trees/ poles/ saplings shall be extracted which come under the alignment of construction area and rest all the trees/ poles/ saplings shall be retained as such.
11. The area proposed should not be used by the user agency for any purpose other than proposed.
12. The land so allowed to be used shall return to the department free of any encumbrances when it is no longer required by the User Agency.
13. The User Agency shall have to abide by all the conditions laid down by the Forest Advisory Committee and those mentioned in the sanction order issued by the Competent Authority.


Sh. J. Frankoi IFS
Chief Conservator of Forests Eco-Tourism
(Member Secretary)

No: WLP/Tech/2019/270-05

Date: 25-10-2019

Copy for information to the:-

1. Principal Secretary to Government, Tourism Department.
2. Director General of Police, J&K State.
3. Commissioner /Secretary to Government, Forest, Environment & Ecology Department.
4. Commissioner /Secretary to Government, Revenue Department
- ✓ 5. Principal Chief conservator of Forests, J&K
6. Secretary to Government, Law Department.
7. Chief Wildlife Warden, J&K.
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