

**MINUTES OF THE 92<sup>nd</sup> MEETING OF THE FOREST ADVISORY COMMITTEE HELD UNDER THE CHAIRMANSHIP OF SH. B.R.SHARMA IAS, CHIEF SECRETARY, JAMMU AND KASHMIR, AT CIVIL SECRETARIAT, JAMMU ON 01/03/2016.**

The 92<sup>nd</sup> meeting of the Forest Advisory Committee (FAC) constituted under the J&K Forest (Conservation) Act, 1997, was held under the chairmanship of Sh. B.R.Sharma IAS, Chief Secretary, Jammu and Kashmir Government, at Civil Secretariat, Jammu on 1<sup>st</sup> March, 2016.

The following members of the Committee and special invitees attended the meeting:

**(I) Members (FAC)**

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|---------------------------------|---|
| 1. Sh. P.K. Jain, IAS           | Financial Commissioner (Revenue)                      |
| 2. Sh. R.K. Gupta, IAS          | Principal Secretary (Forests)                         |
| 3. Sh. A.K. Singh, IFS          | Pr. Chief Conservator of Forests, J&K                 |
| 4. Sh. Navin Kr. Chowdhary, IAS | Commissioner/ Secretary (Finance)                     |
| 5. Sh. Deepak Khanna IFS        | Chief Wildlife Warden, J&K                            |
| 6. Sh. Ravi Kesar, IFS          | Director, Soil and Water Conservation Department      |
| 7. Sh. O.P. Sharma IFS          | Director, Environment and RS                          |
| 8. Prof. S. P. Singh Dutta      | Member (Non-official)                                 |
| 9. Prof. G.A. Bhatt             | Member (Non-official)                                 |
| 10. Dr. Rajeev Kr. Tiwari, IFS  | Chief Conservator of Forests (FCA) (Member Secretary) |
| 11. Sh. A.K. Sharma             | Representative, Financial Commissioner (Plg and Dev)  |

**(II) Special Invitees**

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| 1. Sh. Pawan Kotwal IAS | Divisional Commissioner, Jammu             |
| 2. Sh. Rohit Kansal IAS | Commissioner Secretary, PW(R&B) Department |
| 3. Sh. Roshan Jaggi IFS | Chief Conservator Of Forests (Jammu)       |
| 4. Sh. Suresh Gupta IFS | Director, State Forest Research Institute  |
| 5. Sh. Abdul Hamid      | Chief Engineer (PMGSY) Jammu.              |
| 6. Sh. R. Chanyal       | Chief Engineer, Power Dev Department       |
| 7. Sh. M.T. Attarde     | Project Director, Jammu                    |
| 8. Col Vishal Sharma    | Commanding Officer, 35 BRTF, Beacon, GREF. |
| 9. Sh. Virendra Sharma  | SE (Civil), MRTH.                          |

- A. The itemówise agenda for the approval of following proposals was presented by Sh. Rajeev Kumar Tiwari IFS, Member Secretary, Forest Advisory Committee. Proposals were discussed and following decisions were taken;

1. **Agenda 92.01: Presentation on monitoring of projects sanctioned under the J&K Forest (Conservation) Act.**

- I. A presentation on the monitoring of nine cases sanctioned under the J&K Forest (Conservation) Act as per the list mentioned in the Agenda was made by the Member Secretary (FAC). The findings of the monitoring in each case were discussed in detail and following directions were issued by the Committee;
- a. The User Agencies have to comply with the õTerms and Conditionsö of the Government Sanction Order. The conditions imposed in the Government Sanction Order issued under the J&K Forest (Conservation) Act for use of the forest land for construction purpose should be the primary governing factor for the conditions of the award of contract for the work on forest land. The award of contract for the construction of project on forest land should incorporate the conditions laid down in the forest clearance accorded in the case. The responsibility should be fixed on the Engineer in charge to ensure that the contractor complies with the conditions imposed by the Forest Clearance.
  - b. The User Agencies should ensure proper muck disposal only on the designated locations and provision of protection work along the road. The User Agencies should penalize the contractor including black listing him/her for violation of the Government sanction order based on which work has been allowed on the forest land.
  - c. The damage bill raised by the forest department for damage to trees should be cleared and the User Agency should charge the amount of damage bill from the concerned contractor.

- d. Forest Department should gear itself for the concurrent monitoring of the project. Dumping of muck should be allowed only on the designated sites. In case, User Agency is found to have damaged the forest trees or dumping of muck on the forest land not designated for the muck dumping in forest clearance, the notice should be issued and work should be immediately halted unless corrective action is taken by the User Agency.
  - e. The list of cases accorded Forest Clearance should also be shared with the respective Dy. Commissioners, who may also simultaneously supervise the work. User Agencies should also evolve a system of internal monitoring of the projects being executed by them.
  - f. User Agencies are not providing adequate breast walls and retaining walls along the road on forest land, which leads to landslides and degradation of the forest area. Adequate provisions should be there in the DPRs for the provision of protection works on forest land at Stage óI level. The Commissioner/Secretary, PW(R&B) Department may look in to the provisioning of funds for the protection work on the Forest land.
  - g. Regular workshops and seminars should be conducted by the Forest department and also by the various User Agencies working in the forests for the officers of the User Agencies, at the cutting edge level to sensitize them on the existing laws and environmental issues.
- II. The Commissioner/Secretary, PW(R&B), Department assured the Committee that he will enquire in to the matter of unauthorized muck dumping on the forest land leading to the damage to the Forest trees and Forest land. He shall also enquire into the contracts of all the cases in which damage has been reported as to why conditions imposed in the Forest Clearances accorded by the Government were not complied. The Forest department shall also be involved in the process.

## 2. **Agenda 92.02:**

### **Sub:- Details of bills along with the status of payment, raised against User Agencies for damage done to the Forest.**

The Committee deliberated the issue and it was decided that;

- I. A proposal may be initiated by the Forest Department on the amount of penalty to be charged for damage to the forest area in consultation with the Commissioner/Secretary PW(R&B) Department.
- II. The fundamental principle that the polluter should pay needs to be ensured. The penalty for damage should be inbuilt in the contract so that contractors are made to make the payment for damage caused by them during the execution of the Contract.

## 3. **Agenda 92.03:**

### **Sub:- Status of transfer of non-forest land to the Forest Department for Compensatory Afforestation.**

The Committee directed that the list of cases in which the respective Dy. Commissioners have proposed State lands for Compensatory Afforestation and based on their proposals, sanction Orders have been issued by the Government but the same have not yet been handed over to the Forest Department should be sent to the Financial Commissioner (Revenue) and the Divisional Commissioner (Jammu), for needful to be done in such cases so that the compliance of the Government Sanction Orders is made.

## 4. **Agenda 92.04:**

### **Sub:- Transplantation of saplings from the forest area diverted for non-forestry use.**

The Committee desired that the State Forest Research Institute should complete the project in a time bound manner and submit its recommendations before the Committee.

**5. Agenda for approval of the proposal for non-forestry use of Forest land under the J&K Forest (Conservation) Act:**

The Agenda items for the approval of the proposals under the J&K Forest (Conservation) Act were presented by the Member Secretary before the Committee and followings decisions were taken;

<b>Agenda Item</b>	<b>Proposal</b>	<b>Division</b>	<b>Indenting Agency</b>	<b>Decision of FAC</b>
<b>92.05</b>	Proposal to allow use of 2.2761 Ha. of forest land for construction of approach road to western portal of Z-Morh Tunnel on Srinagar-Sonmarg-Gumri.	Sindh	Ministry of Road Transport and Highway	Proposal was approved on the terms and conditions laid down in the Agenda.
<b>92.06</b>	Proposal to allow use of 2.7893 Ha. of forest land for construction of road from Banihal to Mangit-Phase-VI (realignment).	Ramban	PMGSY	Proposal was approved on the terms and conditions laid down in the Agenda.
<b>92.07</b>	Proposal to allow use of 2.385 Ha of forest land for construction of 1.60 MW MHP Ichoo.	Anantnag	JAKEDA	Proposal was approved on the terms and conditions laid down in the Agenda subject to the further conditions that at least 15% discharge shall be allowed in the stream round the year and there is no violation of irrigation rights of the local farmers.
<b>92.08</b>	Proposal to allow use of 2.59 Ha of forest land for construction of 1.80 MW MHP Mawar.	Anantnag	JAKEDA	Proposal was approved on the terms and conditions laid down in the Agenda subject to the further conditions that at least 15% discharge shall be allowed in the stream all the time and there is no violation of irrigation rights of the local farmers.
<b>92.09</b>	Proposal to allow use of 1.245 Ha of forest land for construction of road from T-02 Km 1 <sup>st</sup> Dhar upto Bhajwal.	Nowshera	PMGSY	The Proposal was deferred with the direction that road should be realigned so that the patch of dense forest may be avoided.
<b>92.10</b>	Proposal to allow use of 0.45 Ha of forest land for	Bhaderwah	PMGSY	Proposal was approved on the terms and conditions laid down in the

	construction of road from Hallaran to Joura Khurd.			Agenda.
<b>92.11</b>	Proposal to allow use of 0.25 Ha of forest land for installation of 40 TPH temporary Store Crusher at village Kidru Km 52.20 for surface work on Kishtwar Dul Galhar Sansari road.	Kishtwar	GREF	Proposal was approved on the terms and conditions laid down in the Agenda.
<b>92.12</b>	Proposal to allow use of 7.35 Ha of Surinsar- Mansar Wildlife Sanctuary area for laying of 132 KV D/C Hiranagar Battal Manwal Transmission Line.	Udhampur	Power Development Deptt.	Proposal was approved on the terms and conditions laid down in the Agenda. The User Agency shall comply with all the conditions laid down by the NBWL.
<b>92.13</b>	Proposal to allow use of 2.45 Ha of forest land for diversion of Forest land for four muck dumping sites between Km 0.00 to Km 10.00 on Galhar-Sansari sector of Kishtwar-Dul-Galhar-Sansari road.	Kishtwar	GREF	Proposal was approved on the terms and conditions laid down in the Agenda. DFO Kishtwar, will liaise with the User Agency and shall submit a monitoring report on monthly basis on the use of forest land for muck dumping as per terms and conditions of the sanction order.
<b>92.14 (revised)</b>	Proposal to allow use of 9.312 ha (7.72 forest land & 1.592 state land) for four laning of National Highway from Udhampur to Chenani & Nashri to Ramban	SF Division Ramban, SF Division Udhampur & Soil Cons. Division Udhampur	NHAI	Proposal was approved on the terms and conditions laid down in the Agenda (revised).

**B.** Commissioner/Secretary, PW(R&B) Department, requested the Committee for taking up of the cases of PWD for sanction under the J&K Forest (Conservation) Act, 1997 which are pending due to non-payment of old outstanding. It was decided that;

- I. The Committee asked the Commissioner/Secretary PW(R&B) department to clear the dues on account of non-payment of amount in the old cases sanctioned under the J&K Forest (Conservation) Act, before new proposals may be taken up for sanction. Committee emphasized that payment under the J&K Forest (Conservation) Act, is statutory requirement under the law which needs to be fulfilled.

- II. However, keeping in view the urgency, some critical proposals may be considered for sanction as a special case.
- III. The indents submitted by the Chief Engineers (PWD) may be processed in the field.
- IV. Commissioner/Secretary, PW(R&B) Department assured that he will try to clear some dues this year and also to keep adequate provision in budget to liquidate substantial part of the old outstanding dues in the next financial year.

Meeting ended with vote of thanks to the Chair.

Dr. Rajeev Kumar Tiwari, IFS  
Chief Conservator of Forests (FCA)  
(Member Secretary)  
Forest Advisory Committee.