

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No.93/2023

In re : News item published in Newspaper 'The Hindu' dated 04.02.2023
Titled "**19 families shifted after houses in J & K village develop cracks**"

Date of hearing: 02.11.2023

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Respondent: Ms. Palak Mittal, Adv. for UT of J & K
Dr. Harpreet Kaur, Special Secretary, Technical (Through VC)

ORDER

1. The matter is taken up *suo-moto* and it relates to the damage which was caused to 21 structures in Doda District in Chenab Valley in Jammu and Kashmir since the earth had started slipping.
2. The joint Committee constituted by the Tribunal has submitted the report recommending the rehabilitation of the residents of affected 24 houses of Nai Basti, Thathri to a suitable safer location within the framework of the applicable laws.
3. The Tribunal thereafter, had recorded the information furnished by Special Secretary on behalf of State of Jammu and Kashmir on 20.09.2023 in respect of preparation of a short term and a long term plan and necessary steps for rehabilitation of the displaced families.
4. Thereafter, the action taken report dated 01.11.2023 has been filed by the State of J&K. On the issue of rehabilitation, the report is not clear. On the one hand, 14 cases have been found to be eligible for the relief and on the other hand, they have been denied the relief on the ground of

applicability of SDRF norms. It appears that the action is being taken to grant relief in five cases only which are stated to be the landless persons.

The stand of the State of J&K in this regard in the report is as under:-

“15. That the issue of rehabilitation of the affected persons was discussed in detail in the meeting. It was informed by the district administration that the affected persons were also immediately shifted to safer buildings upon receipt of reports of damage to houses. Later on, they have shifted to their own villages or houses of relatives/friends. The Deputy Commissioner also informed that several visits were made to the site subsequently, and concerned stakeholders have been consulted from time to time. The Deputy Commissioner informed that three structures have been damaged completely and 11 others severely. The district administration has kept the houses under observation to note any expansion in cracks or any other subsequent damage. Out of an initially reported 19 cases, after verification, 14 cases have been found eligible for relief. However, none of the house owners are found to be owners of the land on which the houses have been built, the land being either Shamlat Deh or Kacharaie land. Since the occupants are illegal, they do not fall under SDRF norms for payment of relief or compensation. Further, in five cases, the occupants are landless and do not possess land elsewhere. In this regard, after threadbare discussions, it was decided that alternate land may be provided to the five cases of landless persons, as per policy under PMAY(G).”

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

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

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

8. List this matter on 11.12.2023.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. SenthilVel, EM

November 02, 2023
Original Application No.93/2023
SN