

STUDENT OF SHAH BADARUDDIN HIGH
SCHOOL, GARKHAPON, BADARPUR,
DISTRICT KARIMGANJ, ASSAM

Petitioner(s)/ Applicant(s)

Versus

STATE OF ASSAM & ORS

Respondent(s)

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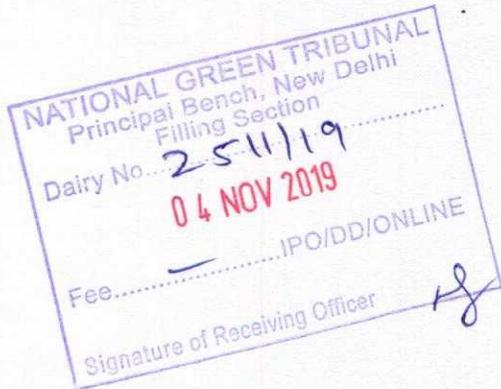
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20-21
FILED BY:


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Advocate

For, Pollution Control Board, Assam.

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New Delhi

Date: 25 /10/ 2019

IN THE MATTER OF:

STUDENT OF SHAH BADARUDDIN
HIGH SCHOOL, GARKHAPON,
BADARPUR, DISTRICT
KARIMGANJ, ASSAM

Petitioner(s)/ Applicant(s)

Versus

STATE OF ASSAM & ORS

Respondent(s)

**REPLY AFFIDAVIT FILED IN AFFIDAVIT ON BEHALF OF
POLLUTION CONTROL BOARD, ASSAM SUBMITTING
THE STATUS REPORT**

I, Sri Gokul Bhuyan, aged about 54 years, working as Senior Environment Engineer-cum-Nodal Officer in Pollution Control Board, Assam, having office at Bamunimaidan, Guwahati – 781 021, Assam, do hereby solemnly affirm and state as follows:

1. The deponent is working as Senior Environment Engineer-cum-Nodal Officer in the Pollution Control Board, Assam, and conversant with the facts and circumstances of the present case and is duly



14 OCT 2019

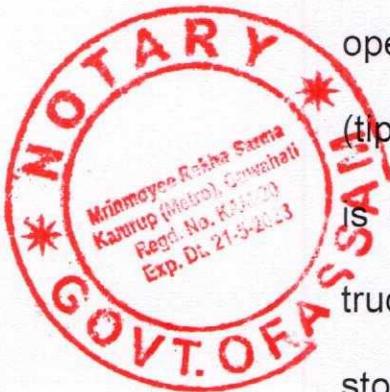
Mrinmoyee Rekha Sarma
NOTARY
 Kamrup (Metro), Guwahati
 Regd. No.-KAM-20

2. That, the Deponent humbly states that an inspection was carried out through its Regional Laboratory cum Office, Silchar, Assam related to the public complaint by students of Shah Badaruddin High School, Garkhapon, Badarpur, PO: Badarpur, Karimganj, Assam-738506 regarding illegal sand mining carried out by Dilwar Ahmed, Rajib Ahmed, Abdul Hakin, Shipar Ahmed, Maruf Ahmed, Yeah Ya Ahmed, Hussian Ahmed from Barak River at Garkhapon village in Karimganj District on 3/07/2019:

a) GPS Location of said site is N24°52.022', E092°33.057' at Garkhapon, Badarpur, PO: Badarpur, Karimeanj, Assam-788806. The site is bounded by On the East — vacant land, West — vacant land, North- River Barak, South — village road.

b) At the time of inspection it was found that one JCB was in operation, no other mining machineries (pumps etc.), vehicles (tippers, trucks) found. Village road connecting NH 44 and the site is of around 9ft width, not suitable for 6 wheeler tippers and trucks, suitable for small (4 CuM capacity) tippers/trucks. Ready stock of sand found at the site.

c) 3 Nos of educational institutes namely Shah Badaruddin High School (around 0.5 Km distance from site), 36 No, Chapra LP School (around 150m distance from site), Al-Islah National



14 OCT 2019


14/10/19
Minmoyee Rekha Sarma
NOTARY
Kamrup (Metro), Guwahati
Regd. No.-KAM-20

4.00 Hect (Allotted Area. 30.30hect). Environmental Clearance was accorded to Md. S. Barbhuiya from SEIAA vide by Letter No.SEIAA274/2014/38-A, Dated 30/07/2014 for period of 5 years.

- e) The said site is being operated by Mr. Hussian Ahmed, without having any valid documents since last two years.
- f) The Principal (I/C) of Shah Badaruddin High School having no knowledge of said complaint and was not able to trace' the students, whose name are there in complaint letter.
- g) It has been revealed that on Environmental Clearance under the provision of EIA notification in respect of extraction of river sand mining produced during inspection. The mining plan approval copy also produced.
- h) Dust pollution from mining activity, could not be noticed since because of rainy season, sand mining activity are stopped also no vehicles (tippers/trucks) found on the said village road.

A copy of the report dated 05.07.2019 of the Regional Laboratory cum Office, Silchar, Assam is annexed hereto and marked as **Annexure-I**.

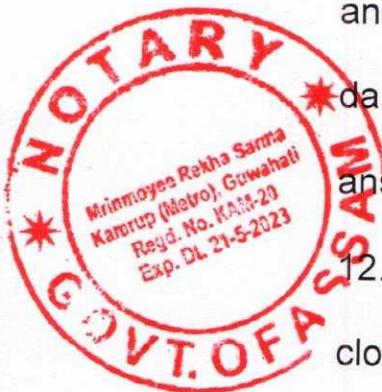
- 3. That, the aforesaid report on the issue of environmental impact observed that the pollution potential due to river sand mining could not be traced out as no mining activities and loading and unloading

14 OCT 2019



Mr. Mirimoyee Rekha Sarma
NOTARY
Kamrup (Metro), Guwahati
Regd. No.-KAM-20

- a) The quarry lease area should be demarcated to show the boundary of the lease area on all sides.
- b) Mineral handling area should be provided with adequate no of high efficiency dust extractors, loading and unloading areas including all the transfer points should also have efficient dust control arrangement.
- c) The village road, haul road should be traded to mitigate the dust emission.
- d) The dust suppression measures like water should be sprinkled at regular interval.
5. The answering respondent Board through its regional office carried out an inspection and found that the site operated by aforesaid Hussain Ahmed without any valid documents since last two years and such activities resulted dust pollution affecting public health and damage to environment . Accordingly, on the above ground, this answering respondent board issued Show Cause Notice dated 12.09.2019 to aforesaid Mr. Hussain Ahmed against proposed closure of his unit. . A copy of the Show Cause Notice dated 12.09.2019 is annexed as **Annexure-II**.

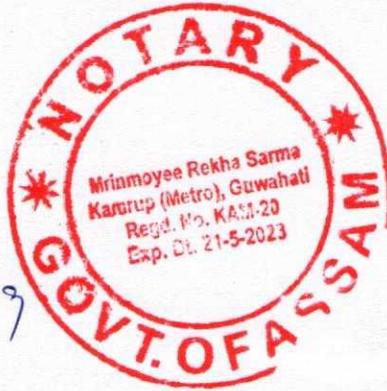


14 OCT 2019
Minmoyee Rekha Sarma
NOTARY
Kamrup (Metro), Guwahati
Regd. No.-KAM-20

VERIFICATION:

I, the deponent herein above, do hereby verify that the contents of the above affidavit are true and correct to the best of my knowledge and belief, that no part of it is false and nothing material has been concealed therefrom.

Verified at Guwahati on this 14th day of October 2019.



Arund Bhuyar
DEPONENT

IDENTIFIED BY ME
Jinlu Das 14/10/19
ADVOCATE'S Clerk
EN. No. 04/2016.

[Signature] 14/10/19
Mrinmoyee Rekha Sarma
NOTARY
Kamrup (Metro), Guwahati
Regd. No. -KAM-20
14 OCT 2019

SOLEMNLY AFFIRMED AND DECLARED BEFORE
ME BY THE DEPONENT WHO IS IDENTIFIED
BY *Jinlu Das*
ADVOCATE/ADVOCATE'S CLERK AT GUWAHATI
DATED *14th October, 2019.*

Sub: O.A. No. 294/2019 (Student of Shah Badaruddin High School, Garkhapon, Badarpur, District Karimganj, Assam Vs The State of Assam.

D.O. 10.7.19

Ref: 1) Letter No. WB/G-1580/Legal/19-20/8, Dated 11/06/2019.
2) O.A. No. 294/2019

AA-11(BP)
19/7/19

Dear Sir,

With reference to the above, an inspection was carried out related to the public complaint by students of Shah Badaruddin High School, Garkhapon, Badarpur, PO: Badarpur, Karimganj, Assam-788806 regarding illegal sand mining carried out by Dilwar Ahmed, Rajib Ahmed, Abdul Hakin, Shipar Ahmed, Maruf Ahmed, Yeah Ya Ahmed, Hussian Ahmed from Barak River at Garkhapon village in Karimganj District on 3/07/2019. The findings are herewith for favour of your kind information and action.

- 1) GPS Location of said site is N24°52.022', E092°33.057' at Garkhapon, Badarpur, PO: Badarpur, Karimganj, Assam-788806. The site is bounded by On the East – vacant land, West – vacant land, North- River Barak, South – village road.
- 2) At the time of inspection it was found that one JCB was in operation, no other mining machineries (pumps etc.), vehicles (tippers, trucks) found. Village road connecting NH 44 and the site is of around 9ft width, not suitable for 6 wheeler tippers and trucks, suitable for small (4CuM capacity) tippers/trucks. Ready stock of sand found at the site.
- 3) 3 Nos of educational institutes namely Shah Badaruddin high School (around 0.5 Km distance from site), 36 No. Chapra LP School (around 150m distance from site), Al-Islah National Academy (around 0.5 Km distance from site) and Gaji Sikander Mukam is around 1km distance from site.
- 4) Barak River Mining contract for sand (Unit-3) cover an area of 4.95 Hect (Allotted Area: 30.36Hect). Environmental Clearance was accorded to Md. S. Barbhuiya from SEIAA vide by Letter No. SEIAA274/2014/38-A, Dated 30/07/2014 for period of 5 years.
- 5) The said site is being operated by Mr. Hussian Ahmed, without having any valid documents since last two years.
- 6) The Principal (I/C) of Shah Badaruddin high School having no knowledge of said complaint and was not able to trace the students, whose name are there in complaint letter.
- 7) It has been revealed that on Environmental Clearance under the provision of EIA notification in respect of extraction of river sand mining produced during inspection. The mining plan approval copy also produced.
- 8) Dust pollution from mining activity, could not be noticed since because of rainy season, sand mining activity are stopped also no vehicles (tippers/trucks) found on the said village road.

ENVIRONMENTAL EFFECT:

The pollution potential due to river sand mining could not be traced out as no mining activities and loading and unloading are in operation due to rainy season. However there is the possibility of increasing dust pollution during winter season.

REMEDIAL MEASURES:

- 1) The quarry lease area should be demarcated to show the boundary of the lease area on all sides.
- 2) Mineral handling area should be provided with adequate no of high efficiency dust extractors, loading and unloading areas including all the transfer points should also have efficient dust control arrangement.
- 3) The village road, haul road should be graded to mitigate the dust emission.
- 4) The dust suppression measures like water should be sprinkled at regular interval.

Encl: Photographs

Yours faithfully,

sd/-

Regional Executive Engineer (i/c)

R.L.O. Silchar

Dated Silchar, the 5th July, 2019

Regional Executive Engineer (i/c)

R.L.O. Silchar.

Memo No. RO/SLC/2018-19/T-2811/37-A

Copy to: 1. The Member Secretary, Pollution Control Board, Assam for favour of kind information.

Receipt No. 2733

Date 18.7.19

Signature

Vill. & P.O. - Cachar
Dist - Cachar

Sub - Approval of Mining Plan in respect of Bosak River Mining Contract
for Sand (Unit-3) for an area of 4.95 Hect. 1 section (altitude: 30*36 feet)
at Vill. & P.O. - Katigoch, Cachar
District, Assam under Rule 51 of AMMCR, 2013.

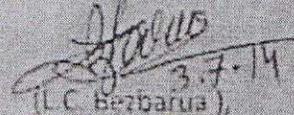
Sr.

The Mining Plan stated above is hereby approved under rule 51 of the Assam Minor Mineral Concession Rules, 2013 This approval is subject to the following conditions:-

- 1) The mining plan is approved without prejudice to any other laws applicable to the mine/area from time to time whether made by the Central Government, State Government or any other authority.
- 2) This approval of the aforesaid mining plan does not in any way imply the approval of the Government in terms of any provision of Mines and Minerals (Development and Regulation) Act, 1957 or the rules framed thereunder or any other laws.
- 3) Before commencing mining operation in land under forest necessary forest clearance from competent authority should be obtained as per Forest (Conservation) Act, 1980, rules made thereunder and other relevant statutes, orders and guidelines as may be applicable.

Enclosed :- Three copies of approved mining plan.

Yours faithfully,


3.7.14
(L.C. Bezbarua)

Director of Geology & Mining, Assam,
Director of Geology & Mining
Govt. of Assam,
Kanihpata Guwahati-78

Sub: - Environmental clearance for collection of Sand from Borak River Mining Contact area unit-3 located near Village-Katigorah P.O. & P.S.-Katigorah of Borak River bed under Kallain Forest Range, of Karimganj Forest (T) Division, Karimganj, Assam by Shri Salek Uddin Borbhuiya.

This has reference to your application submitted vide letter no. Nil dt. 20/07/2014 along with Form J, Mining Plan and other relevant documents seeking Environmental clearance for collection of Sand from Borak River Mining Contact area unit-3 located near Village-Katigorah P.O. & P.S.-Katigorah of Borak River bed under Kallain Forest Range, of Karimganj Forest (T) Division, Karimganj, Assam under Environment Impact assessment Notification 2006 as well as order of Hon'ble Supreme Court dt. 27-02-2012 and also the Office Memorandum of MOEF, Govt. of India, New Delhi dt. 18-05-2012.

The area is the river bed of Borak River Mining Contact area unit-3 falls in the Geo-co-ordinates as per DFO's report as mentioned below:

<u>Longitude (East)</u>	<u>Latitude (North)</u>
E- 92°34'55.0"	N- 24°52'57.5"
E- 92°29'62.7"	N- 24°52'70.6"

Quantity of collection of Sand from Borak River Mining Contact area unit-3 and the details are mentioned below:-

i) Sand	2,000 m ³ (Two thousand) per year.
ii) Total Mining area	4.95 hact.

The Sand will be collected in manually way from the Borak River Mining Contact area unit-3 under Kallain Forest Range, of Karimganj Forest (T) Division, Karimganj, Assam.

The proposal has been examined and processed in accordance with EIA Notification 2006 and its amendment thereof. The meeting of Sub-Committee of SEAC examines the proposal for collection of Sand, accordingly this application is discussed and scrutinized by the Committee on 25-07-2014 and found that the project is under I(a), and considered as B₂ Category of EIA Notification 2006 and vide O.M. of MoEF No. L-11011/47/2011-IA.II (M), dated 24th June, 2013. The Committee recommended the project to the SEIAA, Assam for issue of Environmental Clearance.

Based on the recommendation of the Sub-Committee of SEAC, Assam, the SEIAA, Assam accords Environmental clearance to the project as mention above under the provision of EIA notification 2006 and its subsequent amendments issued under Environment (Protection) Act 1986 subject to compliance of following specific and general conditions.

AD
Member Secretary
SEIAA, Assam

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- The status of implementation of measures taken shall be reported to SEIAA and work shall be completed before the start of mining.
5. Quarrying shall be restricted within the area as per Geo-co-ordinates mentioned above.
 6. There shall be stockyard to stock mining material outside the quarry site.
 7. The following measures are to be further implemented to reduce air pollution during transportation of mineral:
 - * Roads shall be graded to mitigate the dust emission.
 - * Over filling of tippers and consequent spillage on the roads shall be avoided.
 8. Measures should be taken to comply with the provisions laid under Noise Pollution (Regulation and Control) (Amendment) Rules, 2010 issued by the MoEF, Govt. of India.
 9. Mining shall be limited to day hours time only.
 10. No mining shall be carried out in the safety zone of any bridge and / or embankment.
 11. No mining shall be carried out in the vicinity of natural / man made archaeological sites.
 12. No wildlife habitat will be infringed.
 13. Green belt development shall be carried out 20% of total mine area either on river bank or along road side considering CPCB guidelines with native tree species in the mining area.
 14. User agency shall not make any fresh approach road over any part of the forest land but may use existing forest road only.
 15. Transport of materials shall be done by covering the trucks/tractors with tarpaulin or other suitable mechanism so that no spillage of mineral/dust takes place.
 16. Appropriate mitigative measures shall be taken to prevent any kind of pollution. It shall be ensured that there is no leakage of oil and grease from the vehicles used for transportation.
 17. Special Measures shall be adopted to prevent the nearby settlement from the impacts of mining activities.
 18. Dispensary facilities for first-aid shall be provided at site.
 19. Occupational health surveillance program of the workers of the should be undertaken periodically.
 20. Conservation measures shall be taken for protection of Flora & Fauna in the core and buffer zone.
 21. It shall be ensured that collection of mining material does not disturb or change the underlying soil characteristic of river bed/basin, where mining is carried out.
 22. It shall be ensured that mining does not in any way disturb the turbidity, velocity and flow pattern of the river water.
 23. The fauna nesting area shall not be used for mining.
 24. Collection of mining material shall be restricted within central $\frac{1}{4}$ width of the river.
 25. A maximum depth of 3 (three) mts. has been allowed for mining the river bed from un-mined bed level.
 26. This Environmental Clearance is applicable only subject to receipt of mining permit to the project proponent by the Competent Authority as per AMMC Rule, 2013.

ND
Member Secretary
SEIAA, Assam

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5. Concealing the factual date or failure to comply with any of the conditions mentioned above may result in withdrawals of this clearance and attract action under the provisions of Environment (Protection) Act, 1986.
6. The SEIAA, Assam may revoke or suspend the order, if implementation of any of the above condition is not found satisfactory. SEIAA, Assam will monitor the operation area time to time and project component shall be extended full support for the same.
7. The above conditions will be enforced inter-alia under the provision of water (Prevention & Control of Pollution) Act 1974, the air (Prevention & Control of Pollution) Act 1981, the Environment (Protection) Act 1986 and the public liability Insurance Act 1991 along with their amendments & rules.
8. The project proponent shall submit half yearly compliance reports in respect of the terms & conditions stipulated in this order to the SEIAA, Assam.
9. The Environmental Clearance is valid for a period of 5 (five) years from the date of issue of the order.
10. The Divisional Forest Officer, Karimganj Division (I), Karimganj shall realize the Royalty as per existing rate.

S. L. Saha
Member Secretary Member Secretary
SEIAA, Assam SEIAA, Assam

Bamunimaidam, Guwahati-21.

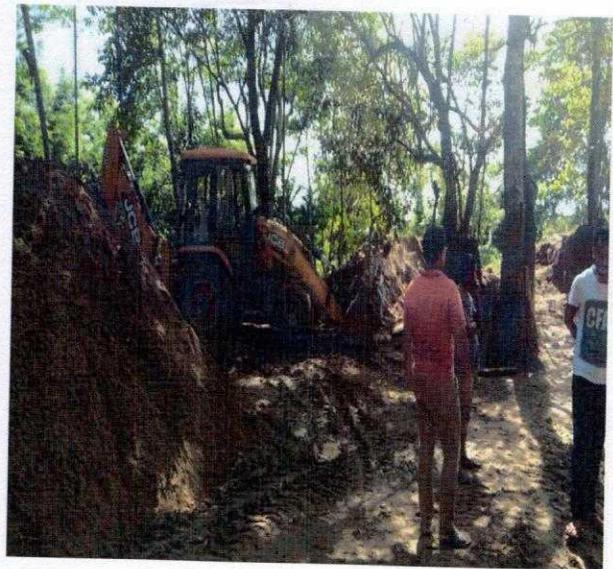
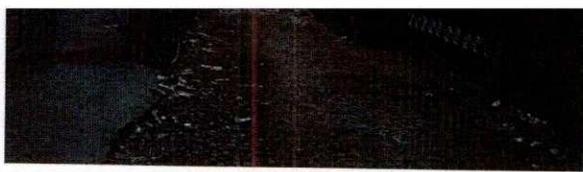
Memo No. SEIAA 274/2014/38-A

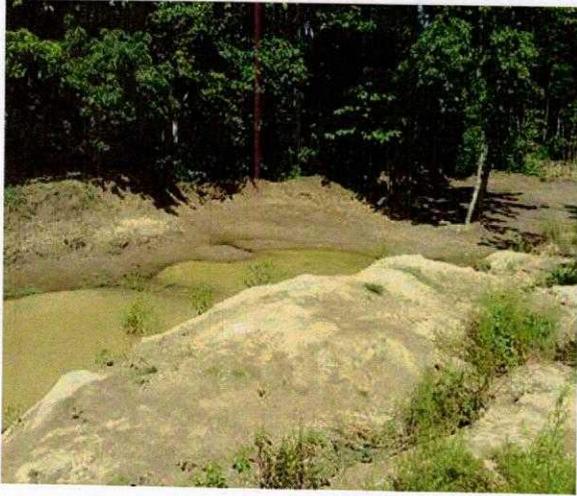
Dated-Guwahati 30th July 2014

Copy to the:-

1. Principal Secretary to Govt. of Assam, environmental & Forest Department, Dispur, Guwahati-6 for favour information.
2. PCCF, Forest Department, Govt. of Assam, Reharbari, guwahati-8 for favour of information.
3. Divisional Forest Officer, Karimganj Division (I) for information.

S. L. Saha
Member Secretary
SEIAA, Assam
Bamunimaidam, Guwahati-21.





Mr. Hussain Ahmed,
S/o. Mayur Uddin
Vill: Garkhapon, Badarpur
P.O.: Badarpur-788806
Dist. Karimganj.

AA-11 (CBAs)
Rk. [Signature] 19/09/19

Sub: SHOW CAUSE NOTICE.

Ref: (i) O.A. No.294/2019 (Students of Shah Bandaruddin High School, Garkhapon, Badarpur, Dist: Karimganj Vs- State of Assam).
(ii) RLO, Silchar letter No. RO/SLC/2018-19/T-2811/37 dtd.05.07.2019.

Whereas, the Hon'ble NGT has passed an order on 03.05.2019 in O.A.No.294/2019 (Students of Shah Bandaruddin High School, Garkhapon, Badarpur, Dist: Karimganj Vs- State of Assam) where it is directed to take appropriate action against the illegal mining is being carried by you;

Whereas, the concerned Regional Office in compliance of the Hon'ble NGT order has carried out an inspection & found that the site being operated by you without having any valid documents since last two years and the activities are resulting in dust pollution affecting public health and damage to the Environment;

Now, therefore, under the above facts & circumstances, Pollution Control Board, Assam is constrained to inform you that you have nonchalantly violated the provisions of law in force causing pollution to the Environmental and in exercising powers conferred upon it under section 31 (A) of Air (Prevention & Control of Pollution) Act, 1981 as amended till date you are directed to file objection if any within 15 (fifteen) days from the date of issue of this letter against proposed direction of closure of your unit.

Sd/-

Member Secretary (i/c)

Dated Guwahati, the 12th Sept 2019

Memo No. WB/SLC/T-1069/19-20/11

Copy to:

1. The Secretary to the Govt. of Assam, Environment & Forests Deptt., Dispur, Guwahati-6 for kind information.
2. The Deputy Commissioner, Karimganj District for kind information.
3. P.A. to the Chairman, PCBA for kind appraisal of Hon'ble Chairman.
4. The Suptd. Of Police, Karimganj district for kind information.
- ✓ 5. The Nodal Officer (Legal), PCBA for information.
6. The Regional Executive Engineer, RLO, Silchar for information & necessary action.

[Signature]

Member Secretary (i/c)