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Office of the Chairman, NGT Monitoring Committee NH-44
(Justice (Retd.) Janak Raj Kotwal)

Consultant Judicial,
Hon'ble National Green Tribunal,
New Delhi.

No: CHM/NGTMC/PS/2020/ 86

Date: 17.03.2020

Subject: Report in terms of Hon'ble NGT Order dated 09.01.2020 in O.A. No. 295/2016
titled Amresh Singh Vs Union of India.

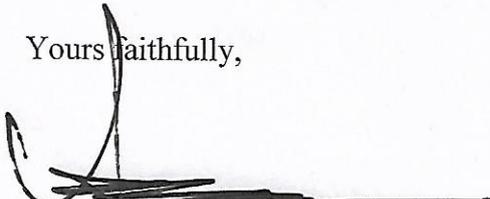
Sir,

Kindly find enclosed herewith report of the Monitoring Committee,
along with enclosures, in compliance with the order passed by the Hon'ble
NGT dated 09.01.2020.

I am desired to request you that the report along with enclosures may
be placed before the Hon'ble Tribunal.

Encl: A.A.

Yours faithfully,


(Devisharan Koul)
Personal Assistant 17-03-20



Office of the Chairman, NGT Monitoring Committee, Jammu (J&K)

Justice Janak Raj Kotwal
(Former Judge High Court of Jammu & Kashmir)

In the matter of : Execution Application No. 32/2016
In
Original Application No. 295/2016
And
Original Application No. 295/2016
(M.A.No.539/2016)

Amresh Singh Vs. Union of India & Ors.

(Report in terms of Hon'ble NGT Order dated 09.01.2020)

Coram:

Justice(Retd.) Janak Raj Kotwal

Chairman

**Ms. Sarita Chauhan, IAS
Commissioner/Secretary to Govt.
Department of Forest, Ecology and
Environment,
UT of Jammu & Kashmir.**

Member-Secretary

**Dr. V. K. Bhatt, Principal Scientist,
Central Soil and Water Conservation
Research and Training Institute,
Chandigarh.**

Members

**Dr. Ranjeet Kumar, Scientist-'E'
Himalayan Forest Research Institute,
Shimla**

**Dr. Vimal Kumar Hatwal, Scientist 'D'
Joint Director (S) Northern Regional Office,
MoEF&CC, Chandigarh.**

**Dr. Ashish Kumar, Joint Director,
Impact Assessment Division, MoEF&CC,
GoI, New Delhi.**

Representatives:

1. **Kr. Swarn Kishore Singh, Advocate counsel for the applicant.**
2. **Dr. Syed Nadeem Hussain, IFS, Regional Director, PCB , Jammu.**
3. **Mr. Anupam Kaul, Divisional Officer, PCB, Ramban.**
4. **Mr. Purshotam Kumar, Project Director, National Highway Authority of India (NHAI).**
5. **Mr. Alok Kumar, Project Director, Gammon India Ltd. (M/s GECPL).**

Date of meeting : 5th March, 2020

Date of Report : 14th March, 2020

Introduction

This report is submitted in compliance to the directions issued by the Hon'ble National Green Tribunal (hereinafter to be referred as the Hon'ble Tribunal) vide order dated 09.01.2020 read with earlier order dated 11.07.2019. Directions issued by the Tribunal in the order dated 09.01.2020 are culled out:

‘In view of above, it is necessary to ensure that remedial action is taken and compliance status is crossed checked. Let requisite remedial steps be taken. The Committee appointed by this Tribunal may cross check latest status and further reports be filed within one month by e-mail at judicial-ngt@gov.in. The applicant may present a copy of this application to the Committee’.

Background

The matter arises from a complaint lodged by one Amresh Singh in regard to rampant dumping of soil in Chenab and Tawi rivers in the process of four-laning of the Jammu-Srinagar National Highway, NH-44, from Udhampur to Banihal, adversely affecting the environmental balance.

Hon'ble Tribunal by its order dated 24.08.2018 passed in Execution Application No. 32/2016, **Amresh Singh vs. Union of India and Ors.** while issuing directions in regard to disposal/dumping of soil (Muck) excavated in the process of four-laning, constituted this Monitoring Committee primarily and *inter alia* for constant oversight for implementation of the said directions. In addition, this committee was required also to prepare an action plan to deal with the problem and to take stock of all the actions taken in light of various directions issued by the Tribunal from time to time.

Committee initially visited and inspected the Ramban-Banihal segment of the National Highway on 03.01.2019 and submitted a report to the Hon'ble Tribunal dated 18.01.2019. In that report this committee has made suggestions in regard to setting up and maintenance of dumping sites and dumping/disposal of the muck/debris, which were issued as advisory to the State Government, the National Highway Authority of India (NHAI) and the Project Proponents.

Hon'ble Tribunal considered the report of this committee on 12.02.2019, accepted the same and in the order passed on that day further directed that 'the advisory issued be strictly complied with by the project proponent'. The advisory issued by this committee, thus, got converted into the directions of the Hon'ble Tribunal.

Recently, the matter came up before the Hon'ble Tribunal on 09.01.2020 when the status was considered in light of the report dated 02.05.2019, showing further default even after the directions issued vide order dated 12.02.2019, which in the meantime had been submitted by the Pollution Control Board and was earlier considered by the Tribunal on 11.07.2019. Hon'ble Tribunal considered also the report dated 23.09.2019 submitted by me accompanied with report dated 02.08.2019 submitted by the four members of this Monitoring Committee, who in the meantime had visited the area and inspected the different dumping sites. The directions, quoted above, have been issued in the order passed on 09.01.2020.

Material Considered in the Meeting :

Pursuant to the directions issued by the Hon'ble Tribunal in the order dated 09.01.2020, the Member Secretary of the committee vide Administrative Department order No. FST/Lit/PCB/137/2016-I dated 24.01.2020 in her capacity as Administrative Secretary deputed the four members of this committee for spot inspections. Three out of these four members, namely;

1. Dr. V. K. Bhatt,
2. Dr. Ranjeet Kumar and
3. Dr. Vimal Kumar Hatwal,

conducted the inspection on 29th to 31st January, 2020 and submitted their report dated 05.02.2020 to the Member Secretary. Alongside a detailed report dated 03.03.2020 relating to dumping/disposal of muck in Nashri-Ramban segment came to be furnished by the Divisional Officer, Pollution Control Board (PCB), Ramban to the Regional Director, PCB, Jammu, with a copy to this committee too. Earlier this committee had received a complaint dated 26.12.2019 from the applicant's counsel supported with electronic evidence and there was a front page reporting by a leading daily 'daily Excelsior' in its December 29, 2019, issue in regard to violation of NGT norms in dumping of debris in river Chenab at Ramban. In addition, information in regard to the provision for dumping sites has been provided by the Principal Chief Conservator of Forests J&K and response of project proponents to the complaint made by the petitioner has been obtained.

The reports dated 05.02.2020, 03.03.2020, complaint of the petitioner's counsel and news paper reporting are enclosed as annexures A, B, C & D.

Proceedings in the Meeting :

The entire material referred to in the preceding paragraph was taken into consideration in the meeting held on 5.3.2020 and the issue was discussed threadbare in all its aspects in backdrop of the order passed by the Hon'ble Tribunal on 12.02.2019, whereby the advisory issued by this committee in the report dated 18.01.2019 have been accepted and became directions of the Hon'ble Tribunal, and the subsequent orders passed by the Hon'ble Tribunal from time to time. Views and opinion expressed by the members of the committee and other representatives and the suggestions made by them were discussed.

(Note: Since the members of the Monitoring Committee (other than the Chairman and the Member Secretary) are the officers working outside the UT of Jammu and Kashmir so, after deliberations in the meeting, it was resolved that the Chairman shall prepare the report of the committee and share the same with all the members through their individual e-mail and it shall remain open for any of the member to supplement the report, if desired by him.)

It is worthwhile to point out here that the advisory issued by this committee in the report dated 18.01.2019, which became directions of the Hon'ble Tribunal, are focused on setting up and maintenance of new dumping sites and proper maintenance of the existing dumping sites. The committee had also suggested immediate discontinuation of the use of those dumping sites in Ramban to Banihal segment, which had attained their full capacity, and had expressed the requirement of providing additional dumping sites to the project proponents and suggested that State (now UT) Government should show serious concern in providing suitable and adequate number of new dumping sites to the project proponents 'within shortest possible time'. For ready reference suggestions of the committee are reproduced :

“(1) The project proponent shall immediately discontinue with the use of dumping sites, which have already attained full capacity, as pointed out above and shall take

immediate steps to strengthen, stabilise and rehabilitate them by planting local grass, shrubs and trees and by adopting all other scientific methods as directed by the Hon'ble NGT vide order dated 24.08.2018 supra.

(2) The project proponent shall immediately take steps for adequate preparation of the dumping sites, which are in use and where further dumping is possible, by raising/repairing the gabion walls, raising concrete retaining walls wherever necessary and adopting all other scientific methods as directed by the Hon'ble NGT vide order dated 24.08.2018 and suggested by the experts in their comments supra.

(3) The State Government, Department of Forest, Ecology and Environment, shall show serious concern in providing suitable and adequate number of new dumping sites to the project proponent within shortest possible time.

(4) The project implementing authority (NHAI) in general and the Regional Officer, NHAI, J&K and Project Director of the project implementing unit (PIU) in particular shall ensure that the dumping sites are adequately and systematically developed before putting them to use and are adequately rehabilitated in the due course after they attain their full capacity.

(5) The NHAI in general and the Regional Officer, NHAI, J&K and Project Director of the project implementing unit (PIU) in particular shall ensure visible improvement on the ground by the next inspection of the area, which shall be held in first week of March, 2019.

(6) The NHAI in general and the Regional Officer, NHAI,

J&K and Project Director of the project implementing unit (PIU) in particular shall be responsible for strict compliance of all the conditions of environmental clearance obtained by them for execution of the project and the directions issued by the Hon'ble NGT from time to time and shall be liable for the failure/lapses in this regard. The State Government and the J&K SPCB shall be responsible for keeping strict vigil to ensure strict compliance and shall take necessary legal action, whenever there is any failure or lapse.”

This committee is of the view that provision for adequate number of dumping sites in a construction area lies at the bottom of dealing with the problem relating to proper disposal of huge quantity of muck/debris excavated in the four-laning process. If adequate number of dumping sites is not created, the natural consequence would be random throwing of the muck down the hill slopes damaging natural flora and fauna and causing great violation to environmental standards. Once adequate number of dumping sites is created, a duty is cast on the agency responsible for execution of the project (NHAI in this case) and the project proponents to use those dumping sites after their proper preparation and duly rehabilitate and maintain them after their optimum use.

Latest Status

In context of the four-laning of Jammu-Srinagar national highway (NH-44), the road length between Udhampur to Banihal is divisible into three segments, namely, Udhampur to Chenani (south portal of Chenani-Nashri tunnel), Nashri (north portal of Chenani-Nashri tunnel) to Ramban and Ramban to Banihal. The work in the first two segments is being executed by M/S Gammon India Ltd. (GECPL) and in the Ramban-Banihal segment M/S Hindustan Construction Company (HCC) is executing the work. Status in the said three segments was discussed and deliberated upon individually in the meeting on the basis of the available material and in backdrop of the advisory earlier issued by this committee and the orders passed by the

Hon'ble Tribunal from time to time.

I. Udhampur to Chenani.

It emerged as undisputed position that excavation work in this segment has since been completed. The representative of the project proponent, Mr. Alok Kumar, Project Director M/s GECPL, informed that only the works relating to construction of some bridges, retaining walls, drains, road surface and allied works are now under execution. No complaint in regard to disposal of muck/debris in this section has been received by this committee from the complainant or PCB or any other source. Nothing very serious in regard to this segment has been reported by the three members of this committee in their report though the report indicates and these members informed in the meeting that some of the utilized dumping sites require renovation in their maintenance and strengthening of rehabilitation work.

II. Nashri to Ramban.

It emerged that massive excavation work relating to four-laning is in progress in this, around 15 kms, road length is in progress. The Divisional Officer, PCB, Ramban, in his report dated 03.03.2020 supra has indicated large scale violations being committed in dumping/disposal of the muck/debris excavated in the process and use and maintenance of the designated dumping sites. Even though a good number of designated dumping sites are available, the report of the Divisional Officer would show large scale violations in this area in the matter of the disposal of the muck/debris and use and maintenance of the available dumping sites. Whereas some sites with available capacity have been abandoned, the muck is being dumped in those sites also which have already attained their full capacity and are overflowing. In addition, illegal dumping is being done at four non designated sites where the muck is directly thrown down the hill slopes into Chenab river. Three sites of the State land, which have been identified as new dumping sites, are being used without formal allotment by the Government and their proper preparation as dumping sites.

In regard to the use and maintenance of the designated dumping sites the

report of the Divisional Officer makes sensational revelation about large scale violation of the directions issued by Hon'ble Tribunal in the order dated 12.02.2019 and further directions issued from time to time.

The report dated 05.02.2020 made by the three members of this committee too makes sufficient indication towards the illegal dumping and violations being committed in this segment but the members seem to have responded softly and explained the situation observing that :

‘There was no non-designated site as per officials of the NHAI and contractors. However, committee had observed few land slide prone areas which have been used as non-designated dumping sites. In such area authorities and local people ask the company for clearing road immediately. In such circumstances due to shortage of time it may not be possible for the company for taking due care for arresting entire muck near the River/stream bank and there are always chances of some muck to flow in to stream.’

In regard to the real situation arising in this segment, in the course of discussion in the meeting the representative of the project proponent and the aforementioned three members of the committee were confronted with the report of the Divisional Officer, PCB, Ramban and the complaint made by the petitioner. In the course of this discussion the Divisional Officer, PCB, the Regional Director, PCB, Jammu and the counsel for applicant were also heard.

On overall analysis of the material and versions of those participating in the discussion no plausible reason was found to disagree with the report dated 03.03.2020 made by the Divisional Officer, PCB, Ramban and it can be decisively said that the violations in regard to dumping/disposal of the excavated muck/debris including unauthorised and illegal dumping are taking place in Nashri to Ramban segment and there is lack of proper maintenance of designated dumping sites. At one stage representative of the project proponent sought to shift liability to an agency engaged by them and also attributing the situation to, what he called, repeated landslides in the area. Such explanations, in so far as they relate to excavated muck/soil, however, cannot be accepted once it is known that excavation work in a large

scale is in progress in this area and good number of designated dumping sites is available. The project proponent cannot take refuge by shifting responsibility to some agency engaged by them. Situation, however, may differ when it comes to urgent clearance of blockades caused by sudden landslides in a natural process.

III. Ramban to Banihal

In regard to Ramban-Banihal segment the indisputable position emerging in the course of discussion was that the construction work in this area has largely remained disturbed and obstructed due to regular landslides caused by heavy rains and snow fall in the area and, may be, because of widening process itself. Most of the time the project proponent is compelled to clear the debris caused by landslides at a short notice to clear the stranded traffic involving a large number of passengers. In such a situation the road clearing agencies cannot but are compelled to throw the muck downhill at the place where the road is to be cleared.

In addition it may be mentioned, contextually, that this Monitoring Committee at the time of spot inspection on 03.01.2019 had found that most of the designated dumping sites in this area, provided by the State (now UT) Government or hired by the project proponent, had attained their full capacity and only few of them could have accommodated more load, that too, only after strong and methodical engineering intervention like construction of RCC concrete holding walls and terracing. The committee had, thus, suggested *inter alia* that the State (now UT) Government shall show serious concern in providing suitable and adequate number of new dumping sites to the project proponent within shortest possible time.

It, however, emerged as admitted position that the State (now UT) Government could not provide even a single additional dumping site to the project proponent till date after the order dated 12.02.2019 passed by the Hon'ble Tribunal whereby advisory issued by this committee have been accepted. The tabulated information provided by the Department of Forest,

Ecology and Environment in this regard would show that the Government has sanctioned three new dumping sites to be provided to the project proponent in this segment of late on 04.12.2019 but formal handing over of the said sites to the project proponent has not been done though it was stated by the Member Secretary in the meeting that the same would be shortly done. Nonetheless, in the course of proceedings the Member Secretary obtained information from concerned field officer that the project proponent has started the use of these sites, though formal allotment is awaited.

The report dated 05.02.2020 made after inspection by the three members of the committee sufficiently indicated that the project proponent is dumping (throwing) the muck/debris in all the existing sites, meaning thereby that even the filled up dumping sites are still being used. The officer representing NHAI Mr. Purshotam Kumar, when specifically asked in the meeting was unable to provide information as to whether the dumping sites, which had already attained full capacity have been discontinued, much less de-hired, by the project proponent as most of them are stated to be in proprietary lands.

Conclusion:

Udhampur to Chenani.

1. There is no current violation in regard to dumping of muck/debris in this segment.
2. Some of the exhausted dumping sites require renovation and strengthening of the rehabilitation procedures.

Nashri to Ramban.

1. There is large scale illegal/unauthorised dumping down the hill slopes in this segment leading to passage of muck/debris into the mighty Chenab river. The designated dumping sites have not been properly developed and maintained and some of them have been under used. Three patches of state land have been identified as new dumping sites but have been put to use without allotment by the Government.

Ramban to Banihal segment.

1. The project proponent is continuing with the use of the dumping sites which have since attained full capacity as new dumping sites have not been provided by the Government.
2. The UT Government, however, has sanctioned three new dumping sites, which await formal allotment.
3. The existing dumping sites, which have attained their capacity, have not been properly rehabilitated.

Recommendations:

Subject to and in addition to the directions that Hon'ble Tribunal may deem fit, this committee recommends:

- 1) In **Udhampur-Chenani** segment the project proponent, that is, Gammon India Ltd. should make up the deficiencies in rehabilitation of the dumping sites as may be pointed out and to the satisfaction of the experts of the State (now UT) Pollution Control Board and duly deputed representative of UT Soil Conservation Department.
- 2) In regard to **Nashri-Ramban** segment, the project proponent, that is the Gammon India Ltd, should ensure that all the violations as pointed out herein above are immediately stopped and furnish an undertaking in this regard before the Hon'ble Tribunal.
- 3) In **Ramban-Banihal** segment the State Government should immediately handover the newly sanctioned dumping sites to the project proponent and report compliance to the Hon'ble Tribunal and the project proponent, that is, HCC, should ensure that all the violations as pointed out herein above are immediately stopped and furnish an undertaking in this regard before the Hon'ble Tribunal.

A copy each of this report was shared with all the members through e-mail and the report is now submitted to the Hon'ble Tribunal after incorporating the response of Mr. V K Bhatt (member) and enclosing the supplements furnished by other three members namely Dr. Ranjeet Kumar, Dr. Vimal Kumar Hatwal and Dr. Ashish Kumar as annexures 'E', 'F' and 'G'.

A copy of this report be provided to the Member Secretary for information.

CHAIRMAN

Date: 14.03.2020

Environmental audit of Execution App. No. 32 of 2016 in OA 295 of 2016, Amresh Singh Vs Union of India &Ors, pending before NGT, New Delhi.

Subject:-Inspection for environment audit of National Highway

BACKGROUND:

With reference to above mentioned subject, committee appointed by the Ministry, New Delhi, had visited the sites on dated 10th to 11th July 2019 for environmental audit.

A team comprising scientists form Ministry of Environment, Forest and Climate Change, Regional Office, Chandigarh, from Indian Institute of Soil and Water Conservation, Research Centre Chandigarh, Himalayan Forest Research Institute Shimla visited project site, i.e., National Highway (NH-44) between Udhampur and Chenani section, Nashri and Ramban section up to Banihal from 10th July to 11th July 2019 as per the orders of NGT and prepared a report which is being submitted.

In compliance of directions of Commissioner / Secretary to the Government Dept of forest, Environment and Ecology, Government of Jammu and Kashmir following committee inspected the sites:

| S.No. | Name of the Organization | Name and designation | Designation in said committee |
|-------|---|---|-------------------------------|
| 1. | Indian Institute of Soil and Water conservation, Research Centre Chandigarh | Dr. V.K. Bhatt, Principal Scientist | Member |
| 2. | Himalayan Forest Research Institute, Shimla | Dr. Ranjeet Kumar, Scientist-E | Member |
| 3. | Ministry of Environment, Forest and Climate Change, New Delhi | Dr.V.K. Hatwal, Scientist D, NRO Chandigarh | Member |

Representatives:

1. Divisional forest officers of Udhampur, Batot and Ramban
2. Divisional officers of SPCB Udhampur and Ramban
3. Consultant, National Highway Authority of India (Accompanied only up to Ramban)
4. Project Managers, M/s Gammon Engineers and M/s Hindustan Construction Company Ltd.

ISSUE BEFORE THE COMMITTEE

Hon'ble court directed to the committee as “.....8.....it is necessary to get an environment audit conducted by the Committee already appointed. While undertaking the exercise for assessment of damage, the Committee may take into account the entire damage right from the beginning of the project and not merely what was observed during a particular visit.

9. The Committee may visit all the existing designated and non-designated dumping sites and give report regarding current practices of muck/debris dumping therein, remedial measures proposed to secure the designated dumping sites including its capacity, quantity of debris/muck received, balance quantity to be

received, illegal dumping of mucks and debris on entire stretch along with the quantum of muck dumped.”

Environmental audit is for the impact of the projects on natural resources and environmental quality. Environmental Audit to verify compliance with environmental requirements, to evaluate the effectiveness of the environmental management system, to assess risks and to identify and correct environmental hazards.

Although the committee members are not expert in environment audit of such type of linear projects, however, they have tried their best to bring out the report in present form.

FIELD VISIT

Jammu –Srinagar high way (NH-44) is one of the busiest and important highway. The project involves four laning of highway by widening existing highway. Widening of road is being done through NHAI. National Highway (NH-44) between Udhampur and Chenani section, Nashri and Ramban section up to Digdol was being executed by M/s Gammon Engineers & Contractors Pvt. Ltd. and Hindustan Construction Co. Ltd., (HCC)

i. Designated dumping sites: There are 18 and 16 designated dumping sites respectively in Udhampur to Chenani and Nashri Ramban Section were identified and approved by the authorities. The details of these sites of both the sections including capacity of each site, quantity dumped till 30.06.2019 is shown in **Annexure 1.**

ii. Non-Designated dumping sites: There was no non-designated site as per officials of the NHAI and contractors. However, a very few sites were noticed by the committee which were developed by the local people as informed by the NHAI officials.

B. Four laning of Ramban to Banihal section of NH- IA (now NH – 44) from Km 151.00 to Km 187.00: The North Bound (NB) and South Bound (SB) lengths are 29.45 Km and 37.78 Km (total 61.23 Km), respectively. It has total 6 tunnels (5 SB & 1 NB). 6 major bridges (4 SB and 2 NB), 21 minor bridges (10 SB and 11 NB), 302 culverts and 7 nos. under pass.

i. Designated dumping sites: There are 7 and 11 designated dumping sites spread in forest land, government and private lands. The details of dumping sites including size and percentage status dumped and distance of Gabion wall from rives are enclosed in **Annexure II.**

ii. Non-Designated dumping sites: There was no non-designated site as per officials of the NHAI and contractors. However, committee had observed few land slide prone areas which might have been mistaken as non-designated dumping sites.

OBSERVATIONS ON THE ISSUES RAISED BY HONB'LE COURT:

Committee visited all the 53 dumping sites en-route to Banihal along the rivers Tavi, & Chenab and Bislery nalla. The observations are as below:

i. Current practices of dumping muck/debris to designated and non-designated sites:

Muck is being dumped through hydraulic dumpers at all dumping sites. In all the designated sites between Udhampur and Ramban section gabion walls have been constructed but their capacities need to be increased so that muck does not spill into the River. In order to intercept the long & steep slope, small terraces/benches have been constructed at certain places. However, between Ramban and Banihal, capacity of some gabion walls needs to be raised for properly accommodating the muck. Most of the muck coming from tunnel was being used for construction of breast wall and retaining walls of road.

Other agencies are also engaged in some or other works near the high way. Dumping sites, gabion/retaining walls constructed by them for supporting muck are designed poorly.

ii. Designated dumping sites:

1. In all the dumping sites between Udhampur and Ramban section of National highway (NH-44), suitable mechanical measures such as construction of retaining walls and gabion walls have been constructed in order to avoid moving of muck into the River (*see photos in Annexure III*) but at some sites there is need to increase capacity by raising the height of retaining walls/crate wire structures.
2. Muck was being disposed at identified designated & approved disposal sites and after dumping it is being leveled from top.
3. Gabion structures were found completed and filled to their full capacity between Ramban and Banihal section (*See photos in Annexure IV*). However, at few places, constructed structures are filled to their full capacity and spillages in going towards Bislery nalla due to sudden landslides during inclement weather conditions.
4. The possibility of polluting the river waters cannot be overruled due to overflow of debris/muck and soil erosion during inclement weather condition. Solution for which should be explored by competent authorities.
5. Overflow of muck/debris were noticed beyond gabion wall at certain land slide prone locations for which additional preventive efforts by the contractors of NHAI need to be taken.

iii. Non-Designated dumping sites:

1. Overflow of muck/debris were noticed at certain land slide prone locations for which additional preventive efforts like construction of gabion wall by the contractors of NHAI need to be taken.

2. At some places sediments was over flowing into River due to unscientific way of dumping muck by other local contractors involved in construction of petrol pump
3. M/s HCC had informed the committee that about 30-40 acres land along the Bislery nalla was used for reclamation of land by means of dumping of muck with prior permission of local authorities.

Committee observed following damage to environment caused by the construction of this hill road.

i. Damage of stability against geological disturbances.

As NH-44 passing through outer Himalaya to Greater Himalaya, it has different topography, variable hill slope and variable strata conditions and thus is highly sensitive and vulnerable areas towards the stability against geological disturbances, either by the natural or manmade. During this visit damage was identified because of the excavation for road widening. It was observed by the committee that hillside slopes have become unstable due to cutting during widening. There is need for checking soil erosion and landslide in the areas of chronic landslides and maintenance of angle of repose. Furthermore, the muck generated during road widening process also has stones and boulder in it and when dumped on the slopes, it does not allow any vegetation to survive underneath it. Consequently, it adversely affects regeneration of forests. Muck dumping also hinders the collection of fodder and access to grazing land. However, breast wall throughout the stretch has been constructed to retain boulders and soil. Natural vegetation on some of the slope has come up due to rehabilitation work done by contractors. At few locations special protection measures have also been adopted in the stretch between Udampur and Banihal. We appreciate the construction of well designed breast wall throughout the stretch from Udampur to Ramban and Ramban to Banihal. But due to fragile strata possibility of land slide are there at few locations.

ii. Hydro-meteorological Damage:

Committee had observed that natural drainage/rivulet system was damaged or plugged due to indiscriminate and unplanned dumping of muck/debris generated from the cutting of hills from Ramban to Banihal. For example, in most of the area where small bridges were being constructed over a rivulet or a road curve were being widening, the water course of natural drainage/rivulet system had been narrowed or completely blocked due to dumping of muck generated by the construction work. During flood like situations, effusive water and muck can cause extensive damage to biodiversity, river and population living downstream. Committee suggested the representative of contractors for restoring blocked natural surface drains at Battery chasma (chainage 158+710-960) between Ramban and Banihal. Representatives of HCC Ltd assured that they would use hume pipes for doing the needful.

iii. **Biodiversity Damage:**

Effect of road construction and deposited muck at various identified designated/approved disposal sites as well as at non-designated sites, as noticed by the committee, had also contributed to degradation of the environment and biodiversity loss at dumping sites. Nevertheless, as overflow of muck/debris were noticed at certain land slide prone locations, settlement of muck at the base of river/rivulet cannot be overlooked. The debris/muck may increase the turbidity of water and thus reduces the oxygen levels in water. This may harm to aquatic life of rivers.

iv. **Manmade Damage:**

- Overflow of muck/debris were noticed at certain land slide prone locations for which preventive efforts like construction of gabion wall by the contractors of NHAI were found inadequate. However, it was observed that at few locations, work of raising of wall is in progress.
- When natural conditions are modified by the construction of a road, it marks the start of a race between the appearance of erosion and the growth of vegetation. Disturbance during construction upsets the often delicate balance between stabilizing factors, such as vegetation, and others which seek to destabilize, such as runoff. Slope stability can be upset by the creation of road cuts or embankments. Excessive steepness of cut slopes, deficiency of drainage, modification of water flows, and excessive slope loading can result in landslides. However, according to representatives of Gammon Engineers provisions for prevention of landslide is already in the project proponent scope of work and would definitely be done in due course of time.
- Scientific stabilization of the slopes and plantation on stabilized designated dumping sites as per the guidelines issued by the NHAI is yet to be developed.
- A private petrol pumps cutting hills in the area in question without adequate management practices and dumping the muck at non-designated site.
- Committee feels that both the construction companies along with the Project Proponent NHAI to pay due attention to geo-technical and environmental aspects of hill roads.

General Observations

- Fully exhausted utilized sites are being rehabilitated using mechanical measures, but plantation work has been started only in few sites. Both the contractors have been asked to complete the plantation work at an early date.
- Muck is being dumped at designated dumping sites
- Committee has observed that at one site a new petrol pump is coming up at hillside near Bali-3. Dumping of muck is being carried out without constructing gabion wall at this site.

- It was observed that at most of the muck dumping sites, angle of repose has been improved in the entire stretch, which is between 30 to 50°. Long slopes are being intercepted to several short ones with the help of 1.0 to 2.0 m wide berms /terraces/benches in between in order to maintain less than critical velocity for runoff water and simultaneously mass erosion will be controlled.
- At most of the sites the capacity /volume of muck disposal site is either same or more than volume of muck to be disposed.
- Only few dumping sites have been rehabilitated with local grass, shrubs and trees. No where application of Jute geo textile (JGT) could be seen for establishment of vegetation.
- Nowhere muck is directly being dumped into Rivers except in cases of sudden landslide due to aberrant weather conditions when contractors are asked by local authority to clear the road immediately for traffic. This has resulted 3-4 illegal muck dumping sites particularly between Ramban to Banihal where blaming NHAI or its contractors is not justified.
- Committee feels that NHAI should pay due attention on work of contractors for rehabilitation of dumping yards.

Plantation works

Between Udampur to Ramban

- The infestation of weed (*Parthenium hysterophorus*) in open space was seen on dumping sites, which is very serious issue for establishment of plantations on these dumping sites.
- Plantations works were not even started in most of dumping sites but on asking the representatives of contractor, the team was apprised that the plantation works would be completed during current monsoon season
- Although plantation intervention were initiated on four dumping sites i.e. Moud- I, Moud- II, Moud- III and Dhalwas – IV. Natural regeneration of some plants were also observed on these dumping sites so it was difficult to differentiate whether plantations have been done or plants have come up naturally on the above mentioned dumping sites because of lack of proper written records of plantation work.

Between Ramban to Banihal

- Plantation on all dumping sites is not complete. It is still in progress.
- One small patch of plantation was observed on dumping site named Battery Chashma but it is negligible because area of the dumping site was very large as compared to area of plantation done, RCC Fencing posts with barbed wire were observed on upper side of dumping site named Battery Chashma along national highway.

Suggestions:

- Being rainy season, plantation works should be done as soon as possible as part of rehabilitation measures.
- Weeds may be uprooted manually before starting plantations wherever dumping sites are exhausted.
- Proper record of plantations (register/plantation journal) should be maintained so that monitoring of plantation works can be done properly by monitoring committee/agency.

General recommendations and suggestions

- It was suggested in earlier visits that dumping sites which have been filled to their full capacity, construction of plain concrete cement (PCC) grids or RCC grid structure on the unstable slope is the best option. Such PCC/ RCC grid structures should be anchored/ tied properly with the nearest retaining wall so that the grid structure may not move down with the slipping of muck mass. But committee could not see any PCC/ RCC grid structures at any exhausted dumping sites. Committee recommends that NHA should explore the possibility for doing needful at least at vulnerable sites (where there are chances of spillage to River).
- Disposal of muck has become part of Environment Impact Assessment (EIA) and Environment Management Plan (EMP). These dumping sites need to have proper breast and crate walls (which need to be maintained regularly) in order to check the spillage of the muck down the slope and into the rivers. It is always recommended to construct retaining wall well before start of muck dumping. However, in order to maintain proper angle of repose and wherever there are chances of spillover of muck to river, height of retaining wall may be increased. All the dumping sites should have properly designed retaining wall / gabion structures and should be maintained regularly in order to check the spillage of the muck down the slope and into the rivers. It was observed that increasing of height of gabion structures was in progress at few sites.
- Still lot of work is to be done by Hindustan Construction Corporation but their most of the dumping sites are exhausted. **It is recommended that new dumping sites should be identified and allotted to HCC by the local revenue/forest department for dumping muck in future.** This will further avoid the chances of illegal dumping of muck. In new identified dumping sites retaining/ gabion structures should be constructed well in advance at suitable vertical interval of 5-6 m so that entire disposed muck may not exert pressure only at one wall/toe wall rather the load of muck should be distributed on different walls.

Dr. V.K. Bhatt
2.8.2019

Dr. V.K. Bhatt,
Principal Scientist
IISWC, Research Centre
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Dr. Ranjeet Kumar

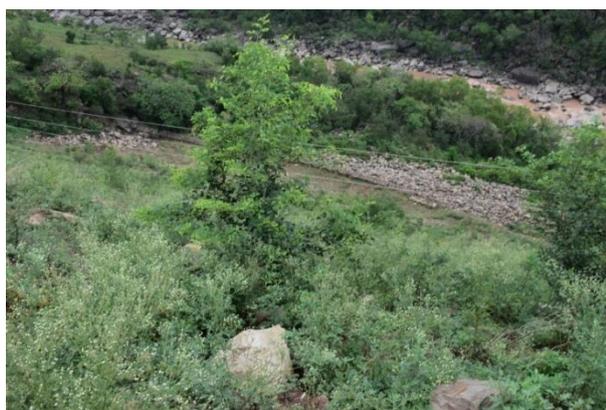
Dr. Ranjeet Kumar,
Scientist-E
HFRI, Shimla

Dr. Vimal Kumar Hatwal

Dr. Vimal Kumar Hatwal
Joint Director, MOEFCC
Chandigarh

Annexure III

Photos showing retaining walls and rehabilitation work from Udhampur to Ramban



Name of Dumping Site: Thard-III, Geo- Co-ordinates: N 32° 58' 03.4" , E 075° 10' 14.6" , Elevation: 807m, Chainage No. 72.000



Name of Dumping Site: Bali-I, Geo- Co-ordinates: N 32° 58' 16.1" , E 075° 10' 21.7" , Elevation: 815m, Chainage No. 72.600



Name of Dumping Site: Bali-II, Geo- Co-ordinates: N 32° 58' 28.6" , E 075° 10' 58.3" , Elevation: 817m, Chainage No. 73.800



Name of Dumping Site: Bali -III, Geo- Co-ordinates: N 32° 58' 31.0", E 075° 10' 59.5", Elevation: 820m, Chainage No. 73.900



Name of Dumping Site: Bali-IV, Geo- Co-ordinates: N 32° 58' 35.4", E 075° 11' 01.5", Elevation: 817m, Chainage No. 74.120



Name of Dumping Site: Moud-I, Geo- Co-ordinates: N 32° 58' 47.7", E 075° 11' 11.4", Elevation: 808m, Chainage No. 74.500



Name of dumping sites: Moud-III, Geo co-ordinate: $N32^{\circ}59'11.0''$, $E075^{\circ}11'21.0''$ & Elevation=819 m, Chainage:75.400



Name of dumping sites: Dhalwas IV, Geo co-ordinate: $N33^{\circ}09'30.8''$, $E075^{\circ}18'30.9''$ & Elevation=1025 m, Chainage:133+400

Annexure IV

Photos showing retaining walls and rehabilitation work from Ramban to Banihal



Name of dumping sites: Maroog-II (due to landslide but designated), Geo co-ordinate: N33°15'41.7", E075°11'29.1" & Elevation=881 m, Chainage: 155+000



Name of dumping sites: Battery Chasma, Geo co-ordinate: N33°16'48.4" , E075°10'48.8" & Elevation=1020m, Chainage:158-710+960



Name of dumping sites: Anokhi fall, Geo co-ordinate: N33°16'58.5" , E075°10'43.5" & Elevation=973m, Chainage:159-400



Name of dumping sites: Digdol I, Geo co-ordinate: $N33^{\circ}17'44.9''$, $E075^{\circ}10'38.3''$ & Elevation=1083m,
Chainage:161-200



Name of dumping sites: Digdol II, Geo co-ordinate: $N33^{\circ}17'45.9''$, $E075^{\circ}10'49.9''$ & Elevation=1115m,
Chainage:161-650



Name of dumping sites: Digdol III, Geo co-ordinate: $N33^{\circ}18'26.2''$, $E075^{\circ}10'52.1''$ & Elevation=1156m,
Chainage:163-200



Name of dumping sites: Mompassi, Geo co-ordinate: N33°19'58.3" , E075°11'58.0" & Elevation=1169m, Chainage:167000-167600



Name of dumping sites: Ramsoo, Geo co-ordinate: N33°20'30.5" , E075°11'14.0" & Elevation=1207m, Chainage:168+000-168+800



Name of dumping sites: Nachlana, Geo co-ordinate: N33°21'13.7" , E075°10'20.1" & Elevation=1300m, Chainage:171-000



Name of dumping sites: Kharpora Baniyal, Geo co-ordinate: N33°25'21.7" , E075°12'16.3" & Elevation=1635m, Chainage: 181-600



Office of the Divisional Officer

Pollution Control Board

Ramban

Tel: 01998-266104

(Email: dospcbramban@gmail.com)

The Regional Director
PCB, Narwal, Jammu

No. PCB/DO/Rbn/20/ 29

Dated: 03-03-2020

Sub: Levying of environmental Compensation for dumping of Landslide debris and excavated muck in Chenab River-Notice thereof.

Sir,

With regard to the subject cited above and in continuation to this office letter No. PCB/DO/Rbn/2020/25 dated: 28-02-2020 and SPCB/DO/Rbn/ 19/191 dated: 10-12-2019 it is submitted that the various muck dumping sites (designated & non-designated) being used by **M/s Gammon Engineers & Contractors Pvt. Ltd. (GECPL)** were inspected on **19th Feb, 2020** and observations are made as under:

The details of various dumping sites of M/s GECPL, from Nashri to Ramban are given as under:

| S.No. | Name of the Site /Village | Chainage (NB/SB) | GPS Coordinates | Title of the land/ Designated /Non designated | Area In Hectare | Total Capacity (cu.m) | Quantity Dumped (cu.m) | Capacity available (cu.m) | Status |
|-------|---------------------------------|--------------------------------|-------------------------|---|-----------------|-----------------------|------------------------|---------------------------|--|
| 1. | Nashri | 130 +690 to 130+800 (NB) | 33°8'13"N 75°17'59"E | Forest- Designated | 1.00 | 95000 | 57000 | 38000 | Closed/ Land sinking |
| 2. | Nashri (near Lucky Dhaba) | 131+280 to 131+350 (NB) | 33°8'29"N 75°18'13"E | Private Designated | 0.61 | 60000 | 60000 | 0 | Closed |
| 3. | Sarga Temple | 132+400 to 132+500 (NB) | 33°9'03"N 75°18'22"E | Forest Designated | 1.20 | 110000 | 95000 | 15000 | In-use |
| 4. | Dhalwas- I | 133 +350 to 133+400 (NB) | 33°9'30"N 75°18'31"E | NHAI Acquired | 0.98 | 72000 | 45000 | 27000 | Capacity available but dumping stopped |
| 5. | Dhalwas- II Near School | 133 +420 to 133+460 (NB) | 33°9'33"N 75°18'32"E | NHAI Acquired | 1.01 | 72000 | 21600 | 50400 | Capacity available but dumping stopped |
| 6. | Dhalwas- Peerah- I | 134 +770 To 134+820(NB) | 33°10'6"N 75°18'20"E | Forest Designated | 5.07 | 520000 | 275000 | 245000 | In-use |

| | | | | | | | | | |
|-----|--|---|--------------------------|-----------------------|------|--------|--------|--------|--|
| 7. | Dhalwas-Peerah- II | 135+300 to 135+350 (NB) | 33°10'10"N 75°18'2"E | Forest Designated | 7.55 | 780000 | 450000 | 330000 | In-use |
| 8. | Sawani- I | 135+900 to 132+940 (NB) | 33°10'14"N 75°17'52"E | NHAI Acquired | 1.76 | 140000 | 140000 | 0 | Closed but illegal dumping going on |
| 9. | Sawani- II | 136+760 to 136+810 (NB) | 33°10'28"N 75°18'11"E | NHAI Acquired | 2.83 | 218648 | 210000 | 8648 | Capacity available but dumping stopped |
| 10. | Sawani – Peerah Near Dam View Hotel | 138+050 to 138+100 (SB) | 33°10'28"N 75°18'23"E | Private Designated | 1.89 | 179645 | 120000 | 59645 | In-use |
| 11. | Near T-1, T-2 Kunfer Nallah | 139+297 To 139+319 (SB) | - | - | - | - | - | - | The Kunfer Nallah needs to be channelized to avoid choking. |
| 12. | Chanderkote (Near 84 Bn CRPF Camp) | 141+200 To 141+320(NB) | 33°12'23"N 75°16'52"E | Private Designated | 1.76 | 3750 | 3750 | 0 | Closed but illegal dumping going on |
| 13. | Near 48 Bridge Chanderkote | 143+360 to 143+380(SB) 20 m | - | Non Designated | - | - | - | - | Illegally dumping |
| 14. | Near 48 Bridge Chanderkote | 143+400 to 143+420(SB) 20 m | - | Non Designated | - | - | - | - | Illegally dumping |
| 15. | Near 48 Bridge Chanderkote | 143+720 to km 143+740 (SB) 20 m | - | Non Designated | - | - | - | - | Illegally dumping |
| 16. | Kanthi (Karol-I) Bridge 51 (Near Hotel Khana Khazana) | 144+950 to 144+970 (SB) | 33°13'5"N 75°16'18"E | Private Designated | 0.48 | 33500 | 33500 | 0 | Closed / Illegally dumping |
| 17. | Kanthi- Karol- II | 145+440 to 145+500 (SB) | 33°13'25"N 75°16'1"E | Private Designated | 0.78 | 78000 | 78000 | 0 | Closed |
| 18. | Kanthi | 145+520 to 145+620 (SB) | 33°13'27"N 75°15'56"E | Private Designated | 1.76 | 140000 | 135000 | 5000 | Closed / Illegally dumping |
| 19. | Kanthi -II | 145+620 to 145+850 (SB) (230 m) | - | Non Designated | - | - | - | - | Illegally dumping |
| 20. | Ramban Near Kundi | 145+850 to | 33°13'27"N 75°16'0"E | State Land | - | - | - | - | In-use |

| | | | | | | | | | |
|-----|--|----------------------------------|--------------------------|-------------------|------|--------|-------|-------|-------------------|
| | Nallah Bridge 53 (New Identified site) | 145+900 (SB) 50 m | | | | | | | |
| 21. | Kanathi-Karol (Near Amar Punjabi Dhaba) (New Identified site) | 146+094 to 146+180 (SB) 86 m | 33°13'14"N 75°15'51"E | State Land | - | - | - | - | In-use |
| 22. | Opp. Horticulture Office Gate | 146+200 to 146+230 (SB) | - | Non Designated | - | - | - | - | Illegally Dumping |
| 23. | Neera (Opp. PHE Water Filling Station) (New Identified site) | 147+225 to 147+525 (SB) 300 m | 33°13'44"N 75°15'10"E | State Land | - | - | - | - | In-use |
| 24. | Cafeteria Morh Ramban (Opp. Army Camp Maitra) (New Identified site) | 147+850 to 148+700 (SB) 850 m | 33°14'01"N 75°14'51"E | State Land | - | - | - | - | In-use |
| 25. | Kowbagh, Ramban | 149+650 to 149+750 (SB) | 33°13'10"N 75°12'06"E | Forest Designated | 1.55 | 140000 | 91000 | 49000 | In-use |

General observations:

It is also observed that no proper methods are adopted to properly stabilise the slopes in terraces or in erecting retaining structures; besides there is no provision of drainage system in dumping area. In addition, no slope stabilization work by way of plantation of suitable species and other green cover not done. At almost all sites muck dumping was found done without proper compaction and loose muck is going directly into Chenab River and other fresh water Nallahs/ water bodies.

That gabions/retaining structures in most of the portion along the Nallah are either not provided or washed away and spilled over by excessive muck dumping. That muck dumping in almost all sites was found done in un-scientific manner without proper compaction and terracing. No slope stabilization works was found done by way of plantation of suitable species and other green cover.

All the sites have been put to use without proper preparation and gabion walls/structures constructed at foot of these sites are inadequate to meet the desired results/purpose. Further, most of the sites have attained their full capacity, without any consideration for attaining proper angle of repose. No

more dumping at these sites should be allowed. The sites which have attained their full capacity need to be stabilised and rehabilitated by using engineering and botanical methods.

Specific observations for M/s GECPL dumping sites:

| S.No | Name of the site | Chainage | Title of the land/ Designated /Non designated | Specific Observations |
|------|---|--|---|--|
| 1. | Nashri (110 m) | 130+690 to 130+800 (NB) | Forest-Designated | Site Closed. No retaining structure constructed and area is in sinking zone. |
| 2. | Sarga Temple (100 m) | 132+400 to 132+500 (NB) | Forest-Designated | Gabions provided needs to be repaired, muck is overflowing. Nallah flowing needs to be channelized. The channelizing work of Nallah is under construction. |
| 3. | Dhalwas- Peerah- I (50 m) | 134 +770 to 134+820(NB) | Forest-Designated | Dumping in-progress and no protection provided. |
| 4. | Dhalwas- Peerah- II (50 m) | 135+300 to 135+350 (NB) | Forest-Designated | Dumping in-progress and no protection provided. The muck is thrown illegally which has choked the Peerah Nallah. |
| 5. | Sawani- I (40 m) | 135+900 to 135+940 (NB) | NHAI Acquired | Dumping in-progress and no protection provided. The muck is thrown illegally which has choked the Peerah Nallah. |
| 6. | Sawani –Peerah Near Dam View Hotel (50 m) | 138+050 to 138+100 (SB) | Private Designated | The gabion wall needs to be strengthened. |
| 7. | Near T-1, T-2 Kunfer Nallah | 139+297 to 139+319 (SB) | Tunnel Site | The heavy boulders have choked the Kunfer Nallah. The nallah needs to be channelized. |
| 8. | Chanderkote (Near 84 BN CRPF Camp) (120m) | 141+200 to 141+320 (NB) | Private Designated | The muck is going into Chenab river Gabion needs to be provided. |
| 9. | Chanderkote (Near 48 Bridge) (20 m) | 143+360 to 143+380 (SB) | Non Designated | Muck going directly into Chenab River. Gabion needs to be provided. |
| 10. | Chanderkote (Near 48 Bridge) (20 m) | 143+400 to 143+420 (SB) | Non Designated | Muck going directly into Chenab River. Gabion needs to be provided. |
| 11. | Chanderkote (Near 48 Bridge) (20 m) | 143+720 to 143+740 (SB) | Non Designated | Muck going directly into Chenab River. Gabion needs to be provided. |
| 12. | Kanthi (Karol-I) Bridge 51 (Near Hotel Khana Khazana) (20 m) | 144+950 to 144+970 (SB) | Private Designated | Muck spill over/Gabion damaged needs to be repaired. Dumping needs to be immediately stopped. Nallah needs to be channelized. |
| 13. | Ramban (Near Kundi Nallah Bridge 53) (New Identified site) (50 m) | 145+620 to 145+850 (SB) 145+850 to 145+900 (SB) | Non Designated State land | Kundi Nallah Bridge 53 new identified dumping site Chainage:-km 145+850 to 145+900 SB 50 m but in reality |

| | | | | |
|------------|--|--|----------------------------------|---|
| | | | | they are dumping 230 m in excess km 145+620 to 145+850 (SB) |
| 14. | Kanthi- Karol (Near Amar Punjabi Dhaba) (New Identified site) (86 m) | 146+084 to 146+094 (SB) 146+094 to 146+180 (SB) | Non Designated State land | This is a new identified dumping site of length 86 Meters but in reality dumping is being done 10m in excess i.e. from km 146+084 to km 146+094 (SB). |
| 15. | Opp. Horticulture Office Gate (30 m) | 146+200 to 146+230 (SB) | Non Designated | Muck going directly into Chenab River. Gabion structure needs to be provided. |
| 16. | Neera (Opp. PHE Water Filling Station) (New Identified site) (300 m) | 147+225 to 147+525 (SB) 147+525 to 147+560 (SB) | State land Non Designated | This is also a new identified dumping site of length 300 m but in reality dumping is being done 35m in excess from km 147+525 to km 147+560 (SB). |
| 17. | Cafeteria Morh Ramban (Opp. Army Camp Maitra) (New Identified site) (850 m) | 147+850 to 148+700 (SB) | State land | Gabions not provided. Muck is directly going into Chenab River. |

The muck has been dumped at various dumping sites by M/s GECPL in a casual manner without consolidation & the practice is still being followed at all the sites inspected. At most of the dumping sites retaining structures are not provided and at few sites where gabion wall exist along river/nallahs, no proper care of HFL is taken and some are washed away or spilled over by excessive muck dumping. No proper engineering techniques/methods are adopted in muck dumping.

The dumping is also being done at designated sites which have attained their full capacity and also at non designated sites from Chanderkote to Ramban (As indicated in table above). The four laning project is of national importance for entire Union Territory of J&K, however, M/s GECPL cannot be allowed to execute the work causally & callously and pollute Chenab River and other fresh water nallahs without any regard for environmental norms and Hon'ble NGT directions.

As M/s Gammon Engineers & Contractors Pvt. Ltd (GECPL) are the prime contractors & M/s Choudhary Power Projects Private Ltd. (CCCPL) are only the subcontractors appointed by M/s GECPL for balance works of hill cutting, breast walls, culverts and minor bridges etc in Nashri to Ramban stretch for from **km 130.00 to km 151.00** since August, 2009, vide their letter no. GECPL /1402/URRP/PL/DC/697 dated 27-11-2019 (copy attached). The liabilities of any damages arising out due to the execution of various components of this project absolutely lies with M/s GECPL.

If M/s GECPL is not restrained and checks are imposed it may cause irreparable damage both in terms of polluting the water bodies and destroying aquatic life , flora and fauna as well as causing flood downstream which may be disastrous for the inhabitants living around these areas. Besides, by this illegal muck dumping, river morphology is likely to be altered and it will also interfere with natural course/ flow of this river.

Irrigation and Flood Control Department has taken suo motto cognizance of the matter and directed the project authorities to stop forthwith illegal dumping of muck directly into the river which is proven to cause flooding of the downstream areas with disastrous effect (Copy Attached).

Also, it is to submit that District Magistrate, Ramban has also imposed restrictions under section- 144 of Criminal Procedure Code (CrPC) against M/s GECPL directing not to dump the muck/materials in nallahs or other places except the identified muck dumping sites in District Ramban wide order No.DMR/711_-15 Dated 30-11-2019 (Copy Attached).

Further, it is to submit that Tehsildar, Executive Magistrate Ist Class Ramban has also issued Notice under section- 133 of Criminal Procedure Code (CrPC) against General Manager M/s GECPL directing not to dump the muck/materials in Kow bagh Ramban vide No. TR/00/2019-20/NH-44/1573-74 Dated 24-01-2020 (Copy Attached).

Recommendation:

In view of the above stated facts it is recommended that strict legal action may be initiated against the Project director NHAI- PIU Ramban and Project Manager M/s Gammon Engineers & Contractors Pvt. Ltd. (GECPL) and as per Hon'ble NGT order dated 12-02-2019, for directly dumping muck in Chenab River and imposing heavy environmental compensation for causing damage to the environment as well as appropriate action as mentioned in "Polluters Pay Principle".

Submitted for further necessary action at your end please.

Encl: 28 leaves

yours faithfully



Divisional Officer
PCB Ramban

Photographs Showing Muck Dumping Along NH-44 By M/s GECPL. (February 2020)



Pic-1 (dated: 27-06-2019)



Pic-2 (dated: 10-12-2019)



Pic -3 (dated: 21-01-2020)



Pic -4 (dated: 19-02-2020)

| S.No. | Name of the Site / Village | Chainage/ (NB/SB) | Title /Area of the land | Total Capacity (cu.m) | Quantity dumped (cu.m) | Capacity remaining (cu.m) | Status | Observations |
|-------|----------------------------|---------------------------|-------------------------|-----------------------|------------------------|---------------------------|---------------------------|--|
| 1) | Kow Bagh -Ramban | 149+650 to 149+750Km (SB) | Forest / 01.55 Hectare | 1,40,000 | 91,000 | 49,000 | Earlier closed now In-use | <i>Dumping is being done very close to Chenab River. Needs to be immediately stopped.</i> |



Pic-5.

| S.No. | Name of the Site / Village | Chainage/ (NB/SB) | Title /Area of the land | Total Capacity (cu.m) | Quantity dumped (cu.m) | Capacity remaining (cu.m) | Status | Observations |
|-------|--|----------------------------|-------------------------|-----------------------|------------------------|---------------------------|--------|--|
| 2) | Cafeteria Morh, Opp. Army Transit Camp, Maitra (New Identified site) | 147+850 to Km 148+700 (SB) | State land/ 850 m | - | - | - | In-use | Muck going into Chenab River. Gabion structure needs to be provided. |



Pic-6: Neera (Opp. PHE Water filling station, (New Identified site) State land/ 300 m



Pic-7

| S.No. | Name of the Site / Village | Chainage/ (NB/SB) | Title /Area of the land | Total Capacity (cu.m) | Quantity dumped (cu.m) | Capacity remaining (cu.m) | Status | Observations |
|-------|---|----------------------------|-------------------------|-----------------------|------------------------|---------------------------|--------|--|
| 3) | Neera (Opp. PHE Water filling station) (New Identified site) | 147+225 to 147+525 km (SB) | State land/ 300 m | - | - | - | In-use | Muck going into Chenab River. Gabion structure needs to be provided. |
| | | 147+525 to km 147+560 SB | 35 m | - | - | - | | Illegal dumping in 35 m stretch. |



Pic-8

| S.No. | Name of the Site / Village | Chainage/ (NB/SB) | Title /Area of the land | Total Capacity (cu.m) | Quantity dumped (cu.m) | Capacity remaining (cu.m) | Status | Observations |
|-------|-------------------------------|----------------------------|-------------------------|-----------------------|------------------------|---------------------------|-----------------|---|
| 4) | Opp. Horticulture Office Gate | 146+200 to 146+230 km (SB) | - | - | - | - | Illegal Dumping | <i>Muck going into Chenab River. Gabion structure needs to be provided.</i> |



Pic-9: (Kanthi –Karol) Near Kundi Nallah



Pic-10

| S.No. | Name of the Site / Village | Chainage/ (NB/SB) | Title /Area of the land | Total Capacity (cu.m) | Quantity dumped (cu.m) | Capacity remaining (cu.m) | Status | Observations |
|-------|--|----------------------------|-------------------------------|-----------------------|------------------------|---------------------------|--------|--------------------------------------|
| 5) | Kanthi (Karol-II) (Kundi Nallah Bridge 53) | 145+440 to 145+500 km (SB) | Private / 0.78 Hectare | 78,000 | 78,000 | Nil | Closed | Same as in July Report |
| | | 145+520 to 145+620 Km (SB) | Private / 01.76 Hectare | 1,40,000 | 1,35,000 | 5,000 | Closed | -do- |
| | | 145+620 to 145+850 (SB) | 230 m | - | - | - | In-use | Illegal dumping in 230 m stretch. |

| | | | | | | | | |
|--|--|---|-------------|---|---|---|--------|---|
| | | 145+850 to 145+900 km (SB) (New Identified site) | 50 m | - | - | - | In-use | <i>New Identified site. Nallah getting choked due to muck dumping and needs to be channelized.</i> |
| | | 146+084 to 146+094 (SB) | 10 m | | | | In-use | <i>Illegal dumping in 10 m stretch.</i> |
| | | 146+094 to 146+180 (SB) (New Identified site) | 86 m | | | | In-use | <i>Muck spill over/Gabion damaged needs to be repaired.</i> |



Pic-11 (Near Jaswal Bridge)



Pic-12

| S.No. | Name of the Site / Village | Chainage/ (NB/SB) | Title /Area of the land | Total Capacity (cu.m) | Quantity dumped (cu.m) | Capacity remaining (cu.m) | Status | Observations |
|-------|-------------------------------|----------------------------|-------------------------|-----------------------|------------------------|---------------------------|-----------------|---|
| 6) | Chanderkote (Near 48 Bridge) | 143+360 to km 143+380 (SB) | Private / 01.76 Hectare | 3,750 | 3,750 | Nil | In-use | <i>Muck going directly into Chenab River. Gabion needs to be provided.</i> |
| | | 143+380 to km 143+400 (SB) | Non Designated | - | - | - | Illegal Dumping | |
| | | 143+400 to km 143+420 (SB) | Non Designated | - | - | - | Illegal Dumping | |
| | | 143+720 to km 143+740 (SB) | Non Designated | - | - | - | Illegal Dumping | |



Ref: GECPL/I402/URRP/PL/SC-CPPPL/2944

Date: 29-11-2019

Choudhary Power Projects Pvt Ltd,
Choudhary Towers, 3rd Floor,
Sector -1A, Ext. Trikuta Nagar,
Jammu – 180012

Subject: Four Laning of Udhampur to Ramban Section of NH-1A (now NH-44) from KM 67.00 to KM 89.00 and KM 130.00 to KM 151.00 on EPC mode in the State of J&K under NHDP Phase-II

Reg: Levying of environmental compensation for dumping of landslide debris and excavated muck in Chenab River

Ref: 1. Authority's letter no. NHAI/PIU-Ramban/2019/11001/408 dated 29.11.2019 and attached SPCB, Ramban letter no. PCB/NGT/27/2017/1392-94 dated 25.11.2019
2. GECPL Letter no. GECPL/I402/URRP/PL/SC/CPPPL/2878 dated 21.10.2019

Dear Sir,

We are in receipt of Authority's letter with attached show cause notice from SPCB, Ramban at ref (1), which is self-explanatory.

Vide our letter at ref (2), guidelines and suggestions as prescribed in NGT Order dated 12.02.2019 and certain directives from GECPL were communicated to your good offices; and accordingly you were directed to refrain from the illegal and haphazard muck dumping along Nashri-Ramban Project stretch. It has been brought to your notice that NGT case is going on and the Government departments, on directive orders from Hon'ble NGT, is vigil on the matter of proper muck dumping and therefore environment protection.

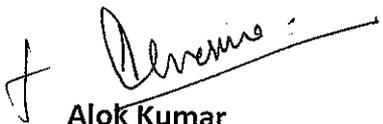
Haphazard muck dumping and polluting Chenab River has been noticed by Pollution Control Board, Ramban and has issued a show cause notice asking a defensive representation.

In this regard, it is directed you to submit your comments to this office within 3 days' time without fail.

Treat the matter as **MOST URGENT**.

Yours faithfully,

For M/s **GAMMON ENGINEERS AND CONTRACTORS PVT LTD**


Alok Kumar

Authorized Signatory

Enclosure: Copy of Authority's letter no. NHAI/PIU-Ramban/2019/11001/408 dated 29.11.2019 and attachment therein

Copy to: 1. The Deputy Commissioner, Ramban
2. The Project Director, NHAI- PIU, Ramban
3. The Team Leader, TPF GETINSA EUROESTUDIOUS SL in association with SCIA,
Udhampur

GAMMON ENGINEERS AND CONTRACTORS PRIVATE LIMITED

GAMMON HOODI DISTRICT OFFICE, STATE POLLUTION CONTROL BOARD, RAMBAN-400 025. INDIA.
Telephone : 91 - 22 - 61115 3000 / 2430 6761 • Fax : 91 - 22 - 2430 0221 / 2430 0529

CIN No.. " U45100MH2014PTC260191



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
राष्ट्रीय परिवहन और राजमार्ग मंत्रालय, भारत सरकार
NATIONAL HIGHWAYS AUTHORITY OF INDIA
(Ministry of Road Transport and Highways, Govt. of India)
PIU Ramban C/o RO Jammu, House No.315, Sector -1, Channi Himmal



BHARATMALA
ROAD TO PROSPERITY

NHAI/PIU-Ramban/2019/11001/ 468

29.11.2019

To,

Authorized Signatory
M/s Gammon Engineers and Contractors Pvt. Ltd.
H. No. 92, Sector - 3,
Channi Himmal,
Jammu.

Sub: Four Laning of Udhampur Ramban section of NH-1A (now NH-44) from Km 67+000 to km 89+000 and km 130+000 to km 151+000 on EPC mode in the State of Jammu & Kashmir under NHDP Phase II-Levying of Environmental Compensation for dumping of Landslide Debris and excavated Muck in Chenab River-Notice Thereof.

Sir,

Please refer Member Secretary letter no. PCB/NGT/27/2017/1392-94 dated 25.11.2019 regarding the cited subject. In this regard, you are requested to submit the comments to this office within 3 days positively.

Encl: As Above


Purshotam Kumar
Project Director
PIU Ramban

Copy to: *RO Jammu for information*
M/s TPF Getinsa-Euroestudios, S.L. in association with Segmental Consulting & Infrastructure Advisory (P) Ltd. To submit the Factual report

Government of Jammu and Kashmir
J&K Pollution Control Board

Winter Office: November-April
Parvesh Bhaiwan, Gladhi
Transport Nagar, Narval
Jammu (J&K) 180006
Ph/Fax: 0191-2476925

Summer Office: May - October
Sheikh Ul Alam Campus
Behind Gora Silt Factory
Rambhadr Nagar (J&K) 190001
Ph/Fax: 0191-2411105

Email: membersecretary@jpcb@gmail.com

The Project Manager
M/s Gammon Engineers & Contractors Pvt. Ltd.
Dalwas, District Ramban.

No. PCB/NGT/27/2017/1392-94

dt. 25-11-2019

Subject: Levying of Environmental Compensation for dumping of landslide debris and excavated muck in Chenab River- Notice thereof

Whereas, persistent reports about dumping of landslide debris and excavated material by M/s Gammon Engineers & Contractors Pvt. Ltd. into the Chenab River have been received and a recent report dated 12-10-2019 from field functionaries of the Board with photographic evidence has confirmed dumping debris of 10-10-2019 landslide at Km SB (237+350 to 147+400) on National Highway 44 in the water body.

Whereas, the activity discussed above has not only resulted in contamination of water quality of River Chenab but has also proved a potential threat to free and smooth flow of river thereby triggering change of river course which can endanger the life and property of the people living thereby.

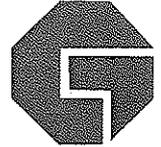
Whereas, debris of landslide that occurred on 10-10-2019 at Km SB (237+350 to 147+400) on National Highway 44 has been dumped near M/s Jagat Filling Station (Bharat Petroleum) Mehar, Ramban in Chenab River in clear defiance of norms and the directions of the Hon'ble National Green Tribunal.

Whereas, it is accordingly proposed to proceed against you legally and levy Environmental Compensation as per directions of Hon'ble National Green Tribunal order dated 12-02-2019 on the basis of the guidelines provided for computing the same by Central Pollution Control Board.

Now, therefore, take this notice and show cause within 15 days from its issuance as to why Environmental Compensation on the basis Polluter Pays Principle (PPP) in terms of directions of the Hon'ble National Green Tribunal be not recovered from you and as to why you may not be prosecuted in terms of Section 17 of the Environment (Protection) Act 1986.


U. M. Sharma
Member Secretary
J&K PCB

- Copy to the
1. Project Director National Highway Authority of India, House No 315, Sector 14, Connaught Place, New Delhi for information.
 2. Regional Director, Pollution Control Board, Jammu for int. & submission of latest & truth report on the subject.



GAMMON

Ref: GECPL/I402/URRP/PL/SC-CPPPL/2945

Date: 29-11-2019

Choudhary Power Projects Pvt Ltd

Choudhary Towers, 3rd Floor,

Sector -1A, Ext. Trikuta Nagar,

Jammu – 180012

Subject: Four Laning of Udhampur to Ramban Section of NH-1A (now NH-44) from KM 67.00 to KM 89.00 and KM 130.00 to KM 151.00 on EPC mode in the State of J&K under NHDP Phase-II

Reg: Haphazard muck dumping in dumping yards along Project Highway

- Ref: 1) GECPL Letter no. GECPL/I402/URRP/PL/SC/CPPPL/2878 dated 21.10.2019 and reference mentioned therein
- 2) Irrigation and Flood Control Department letter no. ISDR/105-110 dated 26.11.2019
- 3) Tehsildar, Ramban letter no. TR/OQ/2019-20/Misc/1264-64 dated 25.11.2019
- 4) Tehsildar, Ramban letter no. TR/OQ/2019-20/Misc/1192-95 dated 08.11.2019
- 5) SPCB, Ramban letter no. SPCB/RD-J/Legal/N-I/19/4087-89 dated 22.10.2019
- 6) Authority office letter no. NHAI/PIU-Ramban/2019/11001/408 dated 29.11.2019 and attached therein SPCB, Ramban letter no. PCB/NGT/27/2017/1392-94 dated 25.11.2019

Dear Sir,

We are in receipt of notices by various Government departments viz Irrigation and Flood Control Department, Ramban; Tehsildar, Ramban and Irrigation and Flood Control Department, Ramban (copy enclosed). It is mentioned in the notices that the illegal and haphazard dumping of muck is directly overflowing and polluting various Nallahs and Chenab River. As well, it is not only causing threat to aquatic life, Flora and Fauna but is also posing threat to habitation downstream.

Vide GECPL letter referred at ref (1), guidelines and suggestions as prescribed in NGT Order dated 12.02.2019 and certain directives from GECPL were already communicated to your good offices; and accordingly you were directed to refrain from the illegal and haphazard muck dumping along Nashri-Ramban Project stretch.

It may please be noted that, CPPPL is bound to follow these guide lines, so that the environment is not harmed. To which you have been failing and the notices in this regard has been served from different Government Departments.

GAMMON ENGINEERS AND CONTRACTORS PRIVATE LIMITED

GAMMON HOUSE, VEER SAVARKAR MARG, P.O. BOX NO. 9129, PRABHADEVI, MUMBAI-400 025. INDIA.

Telephone : 91 - 22 - 61115 3000 / 2430 6761 • Fax : 91 - 22 - 2430 0221 / 2430 0529

CIN No. " U45100MH2014PTC260191

In this regard, it is pertinent to mention here that the excavation works and thereof onus of proper muck dumping lies on you. In connection to these received notices and any such future reference, the Financial and Legal liability arises from it will be your sole responsibility and GECPL shall not be held liable for any Financial as well as any Legal implications.

Yours faithfully,

For M/s **GAMMON ENGINEERS AND CONTRACTORS PVT LTD**

+ 

Alok Kumar

Authorized Signatory

- Enclosure:**
1. Copy of Irrigation and Flood Control Department letter no. ISDR/105-110 dated 26.11.2019
 2. Copy of Tehsildar, Ramban letter no. TR/OQ/2019-20/Misc/1264-64 dated 25.11.2019
 3. Copy of Tehsildar, Ramban letter no. TR/OQ/2019-20/Misc/1192-95 dated 08.11.2019
 4. Copy of SPCB, Ramban letter no. SPCB/RD-J/Legal/N-I/19/4087-89 dated 22.10.2019
 5. Copy of Authority office letter no. NHAI/PIU-Ramban/2019/11001/408 dated 29.11.2019 and attachment therein

- Copy to:
1. The Deputy Commissioner, Ramban
 2. The Sr. Superintendent of Police, Ramban
 3. The Sr. Superintendent of Police (Traffic), Ramban
 4. Collector Land Acquisition cum ADC, Ramban
 5. The Project Director, NHAI- PIU, Ramban
 6. The Divisional officer, Pollution Control Board, Ramban
 7. Tehsildar, Ramban
 8. Asstt. Ex. Engineer, I&FC Sub-Division, Ramban

GAMMON ENGINEERS AND CONTRACTORS PRIVATE LIMITED

GAMMON HOUSE, VEER SAVARKAR MARG, P.O. BOX NO. 9129, PRABHADEVI, MUMBAI-400 025. INDIA.

Telephone : 91 - 22 - 61115 3000 / 2430 6761 • Fax : 91 - 22 - 2430 0221 / 2430 0529

CIN No. " U45100MH2014PTC260191

GOVERNMENT OF JAMMU AND KASHMIR
OFFICE OF THE ASSISTANT EXECUTIVE ENGINEER IRRIGATION & FLOOD
CONTROL DEPARTMENT SUB DIVISION RAMBAN.

Notice 2 (Reminder)

The Project Manager,
Gammon India Pvt Ltd .
Dalwas /Ramban

The Project Manager ,
HCC PVT Ltd.
Banihal

No:- ISDR/105-110

Dated:- 26-11-2019 .

Sir,

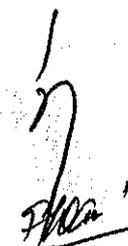
In referenceto this office no ISDR/142-43 DT: 16-10-2018 You were issued notice regarding the illegal dumping upon the river Chenab.Bislari Nallah and other local Nallas.But in spite this you are doing the same practise. The haphazard dumping of muck extracted during the widening/construction the stretch of JKNH 4- Way lane betweenNashri toRamban&Ramban to Digdole area has raised concerns for Irrigation and Flood control Deptt. Sub division Ramban. You have created a very dangerous situation at different spots due to unfair / unsystematic means of staking dumping of muck along the river banks. Muck dumping along river bed is not only posing threat to aquatic life, Flora & Fauna, it is also posing threat to habitation located along the river downstream. There are large number of land holdings, grazing lands and many houses close to natural stream flow course that face imminent danger.

Muck Dumping along Chinab River,Bislari Nallah and other local Nallas has not only narrowed/disrupted the original river course also it has forced to change its natural course at places. The river is being polluted continuously. During monsoons when the river is in spate, massive damage to life and property can happen at any time. As it is compared even with natural Disaster. If the said activity will not be stopped soon, it can create enough dangerous situation in respect of natural Resources and water Disaster. Illegal encroachment and haphazard construction, besides illegal dumping of Muck generated by your side have led an alarming situation in the area.

As such you are directed by this notice to stop dumping of muck directly and indirectly into the Nallah/River between Nashri to Digidolfailing which stern action under law shall be initiated against you as per the rules and norms of Jammu & Kashmir water Resources(Regulation & Management) Act 2010.

Copy to:-

- 1 :- District Development Commissioner for information please.
- 2:-Superintending Engineer Hyd. Circle Doda for information please.
- 3:- Executive Engineer Hydraulic Division Ramban for information please.
- 4:-Junior Engineer I&FC sub Division Ramban for information and follow up action.


Asstt. Ex. Engineer
I & FC Sub-Division
Ramban

GOVERNMENT OF JAMMU AND KASHMIR
OFFICE OF THE TEHSILDAR RAMBAN

Ph. No 01998266627

Fax any 01998266627

Addl. Deputy Commissioner
With the power of Collector Land Acquisition,(NHA1)
Ramban

No: - TR/OQ/2019-20/Misc//264-68

Dated:-25-11-2019

Sub:-Illegal dumping of debris/muck in survey No.2370 at village Kanthi in Karool & River Chinab

Sir

With reference to the subject cited above. It is requested that the GAMMON India Construction Company & Contractors Ltd. is executing the construction work of NHA1-44. The executing agency is dumping the extracted material viz muck/stones in survey No.2370 as Gair Mumkin Nallah Karool in village Kanthi & adjacent Khasra Numbers which is indirect dumping in water body River Chinab. The deffendant was restrained by the N.T. concerned twice on spot, the executing agency is continuously dumping in Nallah. GAMMON India Construction Company & Contractors Ltd was informed and directed to restrain the Contractors from dumping, but he turned deaf ear.

In the back drop of the above it is requested to your goodself to take necessary action against defaulters.


TEHSILDAR
Ramban
RAMBAN

Copy to the:-

01. Worthy Deputy Commissioner Ramban for favour of information please.
02. Divisional Forest Officer Ramban for information please.
03. Station House Officer Ramban for information & further necessary action.
04. GAMMON India Construction Company & Contractors Ltd. for necessary action



GOVERNMENT OF JAMMU AND KASHMIR
OFFICE OF THE TEHSILDAR RAMBAN

Ph. No 01998266627

Fax any 01998266627

General Manager
Gammon India Engineers & Contractors Ltd.
Ramban

No: - TR/OQ/2019-20/Misc/ 1192-95

Dated:-08-11-2019

Sub:-Illegal dumping of debris/muck in survey No.2370 at village Kanthi near Karool & near Neera Nallah.

As reported by field functionary it come to my notice that your execution agency CPPL is dumping muck extraction from NHAI-44 in survey No.2370 forest land near Karool bridge which is clear violation of the verdict of National Green Tribunal Delhi.

You are therefore, directed that stop the dumping and direct executing agency to remove dumped material from the site within one week.


TEHSILDAR
Tehsildar Ramban
RAMBAN

Copy to the:-

01. Worthy Deputy Commissioner Ramban for favour of information please.
02. Divisional Forest Officer Ramban for information please.
03. Station House Officer Ramban for information & further necessary action.

Government of Jammu & Kashmir
J&K STATE POLLUTION CONTROL BOARD
OFFICE OF THE REGIONAL DIRECTOR-JAMMU

Parivesh Bhawan, Forest Complex Gladni, Transport Nagar, Narwal, Jammu

www.jkspcb.in

Email: regionaldirectorjkspcbjmu@gmail.com Tel/fax 0191-2476926

Project Manager,
M/s GAMMON India Pvt. Ltd,
Dalwas, District Ramban.

Notice-I

No. SPCB/RD-J/Legal/N-I/19 / 4087-89

Dated:- 22/10/19

LEGAL NOTICE

Whereas, every process or operation of work is under statutory obligation to meet the prescribed standards of emissions and effluents by installing the requisite pollution control devices.

Whereas, on recent inspection of your site it was found that you have dumped landslide debris at Km SB(147+350 to 147+400) on NH-44 near M/s Jagat Filling Station (Bharat Petroleum) Mehr, Ramban in Chenab river in violation of Hon^{ble} NGT Order dated 12.02.2019.

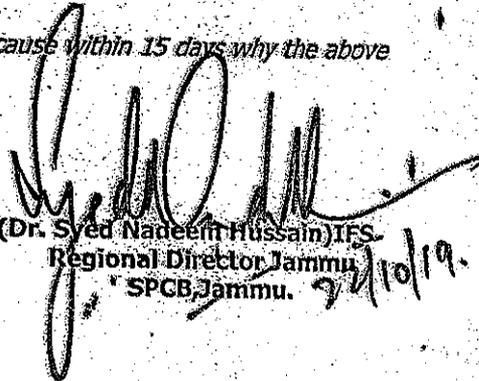
Whereas, operation of your work with this status is punishable under section 5 of the Environment Protection Act 1986 which includes closure of construction work.

Whereas, Operation of your work with this status is a flagrant violation of the above mentioned laws and is also punishable under section 15 of the Environment Protection Act 1986 which states "Whosoever fails to comply with or contravenes any of the provisions of this Acts or rules made or orders or directions issued thereunder, shall be punishable with imprisonment for upto five years or fine upto one lakh rupees or with both."

Whereas, the Board accordingly purposes to initiate strict legal action against you including closure of the project work as well for:-

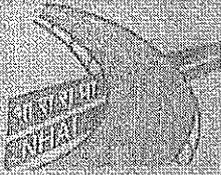
- i) Operating the project work without properly installed PCDs and PCMs
- ii) Causing environmental Pollution especially air/water pollution in the area adversely affecting the health of general public.

Now, therefore in the light of above you are hereby directed to show cause within 15 days why the above action shall not be taken against you.


(Dr. Syed Nadeem Hussain) IFS
Regional Director Jammu
SPCB, Jammu. 22/10/19.

Copy to the:-

- i) Member Secretary, J&K SPCB Srinagar for information.
- ii) Divisional Officer, SPCB Jammu Ramban for information and furnish follow-up report after 30 days.
- iii) I/c Website for uploading on official website of JKSPCB.
- iv) Record file.



भारतीय राष्ट्रीय राजमार्ग प्राधिकरण
राष्ट्रीय परिवहन और राजमार्ग विभाग, भारत सरकार
NATIONAL HIGHWAYS AUTHORITY OF INDIA
(Ministry of Road Transport and Highways, Govt. of India)
PIU Ramban C/o RO Jammu, House No.315, Sector -1, Channi Himmat



BHARATMALA
ROAD TO PROSPERITY

NHAI/PIU-Ramban/2019/11001/ 468

29.11.2019

To,

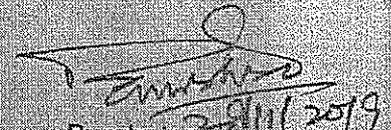
Authorized Signatory
M/s Gammon Engineers and Contractors Pvt. Ltd.
H. No. 92, Sector - 3,
Channi Himmat,
Jammu.

Sub: Four Laning of Udhampur Ramban section of NH-1A (now NH-44) from Km 67+000 to km 69+000 and km 130+000 to km 151+000 on EPC mode in the State of Jammu & Kashmir under NHDP Phase II-Levying of Environmental Compensation for dumping of Landslide Debris and excavated Muck in Chenab River-Notice Thereof.

Sir,

Please refer Member Secretary letter no. PCB/NGT/27/2017/1392-94 dated 25.11.2019 regarding the cited subject. In this regard, you are requested to submit the comments to this office within 3 days positively.

Encl: As Above


Purshotam Kumar
Project Director
PIU Ramban

Copy to: *RO Jammu for information*
M/s TPF Getinsa-Euroestudios,S.L. in association with Segmental Consulting & Infrastructure Advisory (P) Ltd. To submit the Factual report.

Government of Jammu and Kashmir
J&K Pollution Control Board

Winter Office: November-April
Darvash Bhanwan, Gladni
Transport Nagar, Narwal,
Jammu (J&K) 180006
Ph/Fax: 0191-2476925

Summer Office: May - October
Sheikh Ul Alam Campus
Behind Govt. Siro Factory
Rambagh, Srinagar (J&K) 190005
Ph/Fax: 0193-2311165

Email: membersecretaryjapcb@gmail.com

The Project Manager
M/s Gammon Engineers & Contractors Pvt. Ltd.
Dalwas, District Ramban.

No. PCB/NGT/27/2017/1392-94

dt. 25-11-2019

Subject: Levying of Environmental Compensation for dumping of landslide debris and excavated muck in Chenab River- Notice thereof

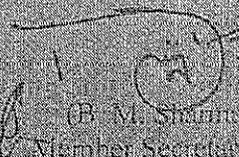
Whereas, persistent reports about dumping of landslide debris and excavated material by M/s Gammon Engineers & Contractors Pvt. Ltd. into the Chenab River have been received and a recent report dated 12-10-2019 from field functionaries of the Board with photographic evidence has confirmed dumping debris of 10-10-2019 landslide at Km SB (247+350 to 147+400) on National Highway 44 in the water body.

Whereas, the activity discussed above has not only resulted in contamination of water quality of River Chenab but has also proved a potential threat to free and smooth flow of river thereby triggering change of river course which can endanger the life and property of the people living thereby.

Whereas, debris of landslide that occurred on 10-10-2019 at Km SB (247-250 to 147+400) on National Highway 44 has been dumped near M/s Jagat Filing Station (Bharat Petroleum) Mehar, Ramban in Chenab River in clear defiance of norms, and the directions of the Hon'ble National Green Tribunal.

Whereas, it is accordingly proposed to proceed against you legally and levy Environmental Compensation as per directions of Hon'ble National Green Tribunal order dated 12-02-2019 on the basis of the guidelines provided for computing the same by Central Pollution Control Board.

Now, therefore, take this notice and show cause within 15 days from its issuance as to why Environmental Compensation on the basis Polluter Pays' Principle (PPP) in terms of directions of the Hon'ble National Green Tribunal be not recovered from you and as to why you may not be proceeded in terms of Section 17 of the Environment (Protection) Act 1986.


(B. M. Sharma)
Member Secretary
J&K PCB

- Copy to the-
1. Project Director National Highway, Ministry of India, House No. 315, Sector Floor, Charal Bhanwal for information.
 2. Regional Director, Pollution Control Board Jammu, for I.L. & submission of J&K & fresh report on the subject.

**Before the office of the Chairman, NGT Monitoring Committee,
Jammu (J & K)**

In the matter of: Execution Application No. 32/2016
In
Original Application No. 295/2016
&
Original Application No. 295/2016
(M.A.No.539/2016)

Amresh Singh Vs. Union of India & Ors.

The applicant herein humbly submits as under:

1. That NGT in the interim direction has restrained the construction companies from dumping debris in the rivers directly.
2. That on 03.01.2019, the NGT monitoring committee, had inspected the stretch from Ramban- Banihal section of Jammu-Srinagar National highway from 151km to 187 km.
3. That during the inspection by NGT Monitoring Committee, his lordship had directed the concerned authorities and the construction companies to devise restraint and maintain sanctity of the environment therein.
4. That the construction companies are going ahead with the excavation work and frequency of violations has found no deterrence in the directions of NGT & the NGT Monitoring Committee.
5. That the sequence goes like the excavation work is taking place in night hours and hence the debris can be easily dumped in the river; this practice is prevalent in almost the whole stretch.
6. That in the stretch between Chanderkote town and Jaswal Bridge in Karol at numerous spots the debris is being directly dumped into river Chenab.

7. Similarly even after stern directions of the Committee on its inspection tour, the dumping on the river banks of Chenab river near Seri village below the road is going on unabated.
8. The worst part of the whole fiasco is the fact that inspite of repeated requests and intimations to the administration and police authorities, the violations find no halt.
9. That the photographs and videos are annexed herewith in a compact disc for kind perusal of the Hon'ble Monitoring Committee.

Taking into consideration the given facts and the havoc wrecked upon the environment generally and the rivers specifically, it is humbly prayed before his lordship to pass appropriate directions and subsequently direct the state government to implement them effectively.

Dated: 2/12/2019

Applicant
Through counsel



Kr. Swarn Kishore Singh
N. A. Gattoo
(Advocates)

He said that all the top leaders of Congress were in opposition of

time so one fails to understand why Congress is opposed to it's

now the leaders of the party are crying after its abrogation", he

stand whether they believe in nationalism or not.

(Contd on page 11 Col 5)

Gammon sublets work to local inexperienced contractors **In violation of NGT norms, notices by PCB, DM;** **dumping of debris goes on in Chenab at Ramban**

Gopal Sharma

JAMMU, Dec 28: In sheer violation of National Green Tribunal (NGT) directives and notices issued by the District Magistrate Ramban under Section 144 CrPC and J&K Pollution Control Board authorities, the dumping of boulders/debris by the highway construction agencies went on unabated in river Chenab in Ramban area.

Official sources said that as per NGT norms, there are strict instructions to dump the excavated muck at the identified sites by the construction agency/ agencies but Gammon India Ltd which has secured the contract of the work of 4-laning of Jammu-Srinagar National Highway from Udhampur to Nashri and then up to Ramban,



Excavated muck being dumped into river Chenab by contractor companies of National Highway Authority of India in Ramban district.

has reportedly sublet the work to a few local contractors having no experience of constructing highways. These inexperienced

people have created havoc on the highway leading to frequent traffic disruptions and mess on the highway.

Sources revealed that one of the local contractors (CPP), having no experience in this field has also been sub let the work by the Gammon India Ltd and they have been dumping the 'Malba' (debris) into the river near Mehar and also at some other locations. They are avoiding the dump debris at the identified sites away from the construction sites just to avoid expenditure and save time at the cost of environment. This illegal activity has made the life of people horrible.

With this, the level of water pollution is increasing in the river. Moreover, silt is being created in river which would cause damage to the power project at Salal. It may also lead to change the course of river in Ramban area. Sources said that Gammon

(Contd on page 11 Col 5)

Sh. KildEEP Raj Surt

Mrs Pooja & Mr Pawan Surt
Daughter & Son-in-law
Mrs Neeru & Mr Sanjeev Kapoor

SH. BANSI LAL DHAR

KATEW PAPA CHARAY & KATEW PAPA
CHARAY
One year have passed since you left your mortal
body having us all in profound grief and sorrow. Last,

DAILY EXCELSIOR, JAMMU

From page 1

In violation of NGT norms, notices by PCB, DM; dumping of debris goes on in Chenab at Ramban

which found itself helpless to get the structures vacated even after payment of compensation in Chanderkote and Krol area, engaged local influential people. The new contractors by using their own influence got the road side structures cleared shortly. Having no experience in the construction of roads/ highways, such contractors have created trouble for the road users.

As per their strategy, they block the highway at Mehar near Ramban bridge over Chenab and adjoining areas and when the pressure of opening of the road is mounted from District Administration and Traffic police, they hurriedly dump the debris in the river by using machines. It saves their time and money of carrying Malba to the dumping site which is almost 2-3 kms away from this site, they added.

Deputy Commissioner, Ramban, Nazim Zia Khan when contacted disclosed that after receiving such complaints of dumping 'Malba' in river Chenab by the constructing agency and local contractors, he issued orders under section 144 CrPC and directed the Gammon India and other contractors to whom its has sub-let

the work, not to dump excavated muck in the river. The DM said he has also directed SSP Ramban to lodge and FIR and take action against the violators. He said Gammon India and National Highway Authority of India are the main culprits against whom the action is warranted.

Meanwhile, Member Secretary, Pollution Control Board J&K UT, BM Sharma when contacted said that PCB has issued notice to the M/S Gammon Engineers & Contractors Pvt Ltd, Dalwas district Ramban vide number PCB/NGT/27/2017/ 1392-94 dated 25-11-2019, for levying of environmental compensation for dumping of land slide debris and excavated muck in Chenab river. He said the action has been taken after the PCB Jammu received live photographs and other related material with regard to violation by the agency.

Secretary PCB said that this illegal activity of the Gammon Company has not only resulted in contamination of water quality of river Chenab but has also proved a potential threat to the free and smooth flow of river thereby triggering change of river course, which can endanger the life and

property of the people living there and the down stream. Moreover, it may increase the level of silt in Salal Hydel Power Project near Reasi thus, impacting power generation. They carried out this activity near Jagat Filling Station Mehar (Ramban) of which many live photographs are available with the PCB. The reply from the agency has been sought and heavy penalty is likely to be imposed on them for this violation, Sharma added.

Project Director, NHAI Jammu sector, Ajay Kumar Sawhney when contacted said that he was not aware of the sub-letting the work by Gammon India to a local contractor with no experience but maintained that they can allot work up to some percentage (49 %) as per contract agreement but to a qualified contractor. He said no contracting agency is allowed any violation. They have to abide by all the clauses of agreement including environmental pollution or polluting of water bodies. They deserve action if indulge in violation, Project Director added.

Project Manager/ Director, NHAI Ramban sector, Parshotam Kumar however, said that in case of road blockade, the

agency has no other option but to restore the road and in that case, they dump the debris into the river. No doubt, it is violation but it's is done after extensive pressure of road opening. When asked why Gammon India Ltd, a reputed national agency engaged by NHAI for 4-laning of Jammu-Srinagar National Highway from Udhampur to Ramban has been allowed to sublet the work in piece meals to CPP and some other local contractors, said that they can allot up to 5 % of the work only. Mainly, the tunnel and bridges work, they are doing at their own, he said.

Sources further revealed that Gammon India Ltd secured project worth Rs 1710 crore from Udhampur to Ramban on Sept 24, 2015 for second phase of National Highway Development Project from NHAI. The work on this portion was going on very slow as per the contract agreement. Moreover, from Ramban to Banihal, the contract work of four-laning of 36 km of road stretch, worth Rs 1783 crore has been allotted to Hindustan Construction Company, whose performance so far has also remained dismal, the sources added.

Cong vows to protect Constitution; attacks BJP over NPR, NRC, CAA

Status Report of Plantation observed during Field Visit w.e.f. 29-01-2020 to 31-01-2020

In the matter of : Execution Application No. 32/2016 in Original Application No. 295/2016 and Original Application No. 295/2016 (M.A.No.539/2016) Amresh Singh Vs. Union of India & Ors.

Status Report of Plantation

M/s Gammon Engineers & Contractors Pvt. Ltd

- Plantations works were not even started in most of dumping sites.
- Plantation was done in a small patch in dumping sites i.e Moud- I, Moud- II, Moud- III, Dhalwas – IV and Dharamthal-I. The dumping of aggregate stone/stone blast (Bajri/rodi) was observed during field inspection visit on Moud- I which was not there during previous field visit of the committee members and plantation was damaged on Moud- I. Natural regeneration of some plants were also observed on these dumping sites so it was difficult to differentiate whether plantations have been done or plants have come up naturally on the above mentioned dumping sites because of lack of proper written records of plantation work.
- The infestation of weed (*Parthenium hysterophorus*) in open space was seen on dumping sites, which is very serious issue for establishment of plantations on these dumping sites.
- Plantation agency is not serious about plantation on dumping sites.

Suggestions:

- Dumping of muck should be stopped in the dumping sites which have attained full capacity or on dumping sites where plantation has been done or initiated.
- Plantation should be started as soon as possible to avoid soil erosion on the dumping sites which have attained full capacity.
- Weeds should be uprooted manually before starting plantations wherever dumping sites are exhausted.

- Proper record of plantations (register/plantation journal) should be maintained so that monitoring of plantation works can be done properly by monitoring committee/agency.

Hindustan construction Co. Ltd on NH-1A (now NH-44)

- Plantation has not been done on all dumping sites.
- Plantation was observed in small patch on dumping sites named Battery Chashma and Digidol-II but it is negligible because area of the dumping site was very large as compared to area of plantation done, RCC Fencing posts with barbed wire were observed on upper side of dumping site named Battery Chashma along national highway and fencing was damaged.
- The representative of company told that they have broadcasted the seeds of grasses on dumping site (Digidol-II) but the establishment/germination of the grasses was not found during the field visit. In dumping site - Rattanwas- III establishment of grasses was observed but it was difficult to differentiate whether it has come naturally or artificially planted because written plantation record was not shown to committee members.
- Plantation agency is not serious about plantation on dumping sites.

Suggestions:

- Plantation should be started as soon as possible to avoid soil erosion on the dumping sites which have attained full capacity.
- Dumping of muck may be stopped in the dumping sites which have attained full capacity or on dumping sites where plantation has been initiated.
- Weeds may be uprooted manually before starting plantations wherever dumping sites have attained full capacity.
- Proper record of plantations (register/plantation journal) should be maintained so that monitoring of plantation works can be done properly by monitoring committee/agency.

General comments for M/s Gammon Engineers & Contractors Pvt. Ltd and Hindustan construction Co. Ltd on NH-1A (now NH-44):

- There is need to authenticate all the designated and illegal dumping sites by J&K Pollution Control Board, J&K State Forest Department, J&K Revenue Department and NHAI including area allotted for dumping sites.
- The log book for quantity/amount of dumping muck should be maintained by companies and verified by NHAI and J&K Pollution Control Board.
- The companies need to be provided with other/additional dumping sites.

RK VNB
15/03/2020

Dr. Ranjeet Kumar

Scientist-E

Member of NGT Monitoring Committee

Himalayan Forest Research Institute (HFRI)

Conifer Campus Panthaghati, Shimla

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Comments/Suggestions made by Dr. Vimal Kumar Hatwal, Member of the Monitoring Committee.

1. Crossing from the sensitive topography and geologically active zone, landslide along the NH-44 is normal phenomena. Several old and new landslide zones were observed along the existing highway. Furthermore, slope excavation of ROW for road widening activities also disturbed the existing hill slope and create numbers of new slide zones. It also activated old landslide areas. In the view of these facts it is suggested that existing design from Ramban to Banihal may be re-considered form stability point of view.
2. Neither proper demarcation with quantitative details and current status on the designated sites was made, nor were the starting and end points highlighted at most of the sites.
3. At some closed sites few private parties were dumping their own muck generated from their own site preparation for shops and petrol pumps. Project proponents have not been initiated any legal action against them.

Dr. Vimal Kumar Hatwal
Scientist –D,
MoEF & CC, Northern Regional Office, Chandigarh

Comments/Suggestions made by Dr. Ashish Kumar, Member of the Monitoring Committee

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1. Hon'ble Tribunal may consider directing the NHAI, in consultation with the Central Pollution Control Board, Delhi, to carry out the Environmental Damage Assessment due to the muck disposal in hill slopes and undesignated dumping sites including spill over due to over-dumping beyond the capacity. Accordingly, NHAI shall prepare and execute the Environmental Compensation Action Plan under supervision of the State Pollution Control Board of Jammu.
2. NHAI may also be directed to prepare dump plans in accordance with slope studies to prevent roll down of material at identified locations considering parameters like geo-technical stability and natural calamities (earth quake/landslide). Preferably the location of muck disposal sites may be identified at isolated places from the human habitation, traffic and wildlife areas.

**Dr. Ashish Kumar, Joint Director,
Impact Assessment Division, MoEF &CC,
Govt. of India, New Delhi.**