

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

**Original application No. 1391/2024**

In the Case of: News item titled "Vishaw Stream Gasps for  
breath amid mining and pollution" appearing in  
Greater Kashmir dated 16-12-2024

Applicant...

Versus

J&K Pollution Control Committee and others

Respondents...

**I N D E X**

S. No.	Particulars	Pages No.s	
		From	TO
01	Affidavit on behalf of respondent No. 4 in compliance to order dated 30-08-2024	01	05
02	Annexure A-I	06	11
03	Annexure A-II	12	17
	Total	01	17



Respondent No.4

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

**Original application No. 1391/2024**

In the Case of: News item titled "Vishaw Stream Gasps for breath amid mining and pollution" appearing in Greater Kashmir dated 16-12-2024

Applicant...

Versus

J&K Pollution Control Committee and others

Respondents...

In the Matter Of: Affidavit on behalf of respondent No. 4 in compliance to order dated 03-01-2025 passed by the Hon'ble National Green Tribunal, Principal Bench, New Delhi.

May it please Your Lordships:

I, Ab. Majid Tak, Director Fisheries, J&K Government, Aged 57

years do hereby solemnly affirm and state as under;

**Preliminary Submissions**

1. That I the Deponent, respondent No.4 in the above captioned matter, being fully conversant with the facts of the matter and I am competent to swear in the present affidavit.
2. That I state that the contents of the affidavit have been drafted on my instructions and the contents of the same are true to the best of my knowledge and nothing material has been concealed therefrom.

3. That I state that the above captioned matter is pending before the Hon'ble Tribunal and was last listed on 03-01-2025 and the Hon'ble Tribunal was pleased to direct as under in para (vi) of the said order;

*“Let notice be issued to the respondents for filing their response/reply by way of affidavit before the Tribunal at least one week before the next date of hearing. If any respondent directly files the reply without routing it through his advocate then the said respondent will remain virtually present to assist the Tribunal.”*

#### **Brief/Background of the case**

4. That on receiving the notice from the Hon'ble Tribunal, the Directorate of Fisheries immediately sought a factual report from Assistant Director Fisheries District kulgam.
5. That the Assistant Director Fisheries District Kulgam furnished the detailed report vide letter No. ADF/Kul/2024-25/1713 dated 18-02-2025 which is enclosed herewith as **Annexure AI.**
6. That the Vishaw stream, originating from Kausarnag and merging with the Jhelum at Sangam, is a vital tributary supplying over 6 million gallons of drinking water daily to Kulgam District. The stream's aquatic biodiversity, particularly the trout and Schizothorax population, is facing a grave threat due to rising pollution and unregulated mining activities.
7. That the Unscientific mining, both legal and illegal, especially during the breeding seasons of trout (October to December) and indigenous species like Schizothorax (April to June), has severely

  
DIRECTOR FISHERIES  
J&K Government

compromised water quality. Heavy machinery used in mining disrupts water flow and destroys habitats, directly impacting species diversification and fish production.

8. That the Department is conducting thorough inspections of the Vishaw stream area to assess the extent of pollution and mining activities. In this regard the Pollution control Department has been taken on board for implementation of pollution control measures in order to reduce drainage and agricultural waste entering the stream. Besides awareness has been raised through social advertising and awareness programmes and local community has been engaged to raise awareness about the importance of protecting the stream and reporting illegal mining activities.
9. That the Department of Fisheries takes all necessary measures to prevent destruction of the stream ecosystem or alteration of the aqua fauna habitat. Any alteration or deterioration reported has been due to poor regulation by the Geology and Mining Department.
10. That the Department of Fisheries proposes the below mentioned measures for prevention of the stream;

  
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- (i) **Re-evaluation of Mining Operations:** Urgent re-evaluation of mining operations is required to address the excessive and unscientific mining practices that have caused significant destruction to the stream.
- (ii) **Strict Enforcement of environmental laws by Geology and**

**Mining Department:** Increased enforcement by the Geology and Mining Department to prevent both legal and illegal unregulated mining activities.

- (iii) **Regulated Mining in Dry Patches Only:** Allow mining activity only in designated dry patches under strict conditions to minimize environmental impact.
- (iv) **Closure of Mining in Drained Patches:** Closure of all mining activities in drained patches where aquafauna exists to protect aquatic biodiversity.
- (v) **Local Bodies' Responsibility:** Local bodies should be made responsible for ensuring that the stream is not littered with municipal waste.
- (vi) **Habitat Restoration:** Initiate habitat restoration projects to rehabilitate affected areas and promote biodiversity.
- (vii) **Monitoring Committees:** Establish dedicated monitoring committees to oversee mining activities, water quality, and fish populations.
- (viii) **Regular Monitoring:** Set up a regular monitoring system to track water quality and fish populations.
- (ix) **Collaboration:** Collaborative approach between the Departments of Geology and Mining, Fisheries, Flood Control and Irrigation, Local Bodies and local communities to ensure sustainable mining practices and protect the stream.

  
 DIRECTOR FISHERIES  
 J&K Government

11. That the Department of Fisheries is committed to address the environmental concerns raised by the Hon'ble Tribunal and ensuring the protection and restoration of the Vishaw stream. The

Department will continue to work diligently to mitigate pollution and habitat alteration to safeguard the aquatic biodiversity and water quality of the stream.

12. That the strict preventive measures, at District Administration Level are required to be put in place to control the pollution, protect the water body and to restore the glory of the Vishaw stream.

  
Deponent  
DIRECTOR FISHERIES  
J&K Government

Verification:

Verified at Srinagar on 20th day of March, 2025 that the contents of the above reply/affidavit are true and correct to the best of my knowledge and belief and nothing material has been concealed therein.

  
Deponent  
DIRECTOR FISHERIES  
J&K Government

Office of the Assistant Director Fisheries District Kulgam...  
Report on the Vishaw Stream, District Kulgam

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The Director Fisheries,  
J&K Government.

No. ADF/Kul/2024-25/1713 Dated:- 18/02/2025...  
Subject: Response to Directions on Vishaw Stream..

1. **Acknowledgment of NGT's Directions:** We acknowledge the NGT's suo motu cognizance of the news item published in Greater Kashmir on December 16, 2024, regarding the deteriorating condition of the Vishaw stream due to pollution and unregulated mining activities.
2. **Current Status of Vishaw Stream:** The Vishaw stream, originating from Kausarnag and merging with the Jhelum at Sangam, is a vital tributary supplying over 6 million gallons of drinking water daily to Kulgam district. The stream's aquatic biodiversity, particularly the trout and Schizothorax population, is facing a grave threat due to rising pollution and unregulated mining activities.
3. **Pollution and Mining Activities:** Unscientific mining, both legal and illegal, especially during the breeding seasons of trout (October to December) and indigenous species like Schizothorax (April to June), has severely compromised water quality. Heavy machinery used in mining disrupts water flow and destroys habitats, directly impacting species diversification and fish production.
4. **Action Taken:**
  - **Inspections:** Conducted thorough inspections of the Vishaw stream area to assess the extent of pollution and mining activities.
  - **Pollution Control:** Pollution control Department has been taken on board to implement pollution control measures to reduce drainage and agricultural waste entering the stream. Awareness has been raised through social advertising and the word of mouth.
  - **Community Engagement:** Engaged with local communities to raise awareness about the importance of protecting the stream and reporting illegal mining activities.
4. **Conditional NOCs:**
  - Every kind of mining operation is being seen by the Geology and Mining Department. The Fisheries Department issues NOCs on the request of the Geology and Mining Department. These NOCs, if issued after analysing the contents of the application and □  
after proper inspection of the proposed area, are subject to strict conditions. Conditions laid down in the NOCs are reproduced hereunder as an example:

*The precautions to be adhered while conducting extraction of material from the said minor mineral blocks are as under:-*

- i That the Project Proponent/authorized person shall not sublet the contract to any other person/agency without seeking proper permission from this Department.*
- ii That the Project Proponent/authorized person shall be under legal obligations to ensure that there is no collateral damage to the Environment, Eco-system, Hydrobiology and Ichthyofauna of the water body as a result of extraction. For any damage/ negligence voluntary or otherwise this NOC shall be liable for cancelation besides legal action shall be initiated against the defaulter in the appropriate forum.*
- iii That the Agency/ authorized firm/person shall by virtue of this NOC carry out extraction of minor minerals exclusively in dry patches at the Highest Flood Level (HFL) and in no case such extraction shall be allowed below the HFL of stream or in the main stream itself. Furthermore no trenches be created during the course of extraction as the juvenile fish get trapped in these trenches during lean period and lead to wholesome mortality. Besides, there shall be no damage to the bed sediment of the stream which serves as the breeding/ feeding ground for fish.*
- iv That no vehicle, block cart, tractor etc. shall be allowed to ply through the water course of the stream.*
- v That the agency/ authorized person shall abide by the Rules and Regulations as laid down in the existing Fisheries Act and amendments, notifications etc issued from time to time in this regard.*
- vi That the agency/ authorized person shall comply with other locational statutory requirements in force as per law.*
- vii That the extraction of minerals by mechanical means like bulldozer, JCB, etc is strictly prohibited particularly in the water course as being the prime habitat of fish biota.*
- viii That the unscientific extraction of bed material shall be avoided as it leads to annihilation, extinction and extermination of Fish*

*biota from these habitats due to ecological imbalance without consideration of Environmental Action Plan.*

- ix. That the NOCs from the other Government Departments like Revenue, Jal Shakti, irrigation & Flood Control, Pollution Control Board, Forest, Wildlife, Panchayat Raj Institutions (PRIs) etc are mandatory prior to execution of the work.*
- x. That this permission/ NOC is valid for a period of one year only and shall be governed by the environmental concerns, which shall be taken due care of during the process of extraction.*
- xi. That any Damage accrued to the biodiversity particularly to the Fish Fauna, which would be in contravention to the tenets of Fisheries Act/Notifications etc shall be duly compensated as per the laws in vogue.*
- xii. That keeping in view the apprehension of damage to the live stocks existing in such habitats and thus the loss incurred by way of extraction shall be compensated for and the Department shall have a civil cause of action for any damage. The composition on account of damage by way of extracted material shall be liable from the agency/Project Proponent.*
- xiii. That the NOC is liable to cancellation in case of violation of any term/s and condition/s as laid down above or violation of any provisions of Fisheries Act 2018 or any Notification without any prior notice.*
- xiv. That the agency/ authorized person shall have to submit an undertaking/affidavit dully attested by the 1st class Judicial Magistrate that the Project proponent/ authorized person shall abide by the terms and conditions as laid down in SRO-105 of 2016 and Fisheries Act-2018, rules, notifications orders/ circulars issued by the Government in this regard from time to time within a fortnight from issuance of this NOC.*
- xv. That the NOC is subjected to proper demarcation of the mining block as per the approved mining area/plan and fixing of permanent posts (As the same is falling in the reserved area under Fisheries Act). In instance of any contravention regarding the Fisheries Act 2018, the NOC granted shall*

- biota from these habitats due to ecological imbalance without consideration of Environmental Action Plan.
- ix That the NOCs from the other Government Departments like Revenue, Jal Shakti, irrigation & Flood Control, Pollution Control Board, Forest, Wildlife, Panchayat Raj Institutions (PRIs) etc are mandatory prior to execution of the work.
- x That this permission/ NOC is valid for a period of one year only and shall be governed by the environmental concerns, which shall be taken due care of during the process of extraction.
- xi That any Damage accrued to the biodiversity particularly to the Fish Fauna, which would be in contravention to the tenets of Fisheries Act/Notifications etc shall be duly compensated as per the laws in vogue.
- xii That keeping in view the apprehension of damage to the live stocks existing in such habitats and thus the loss incurred by way of extraction shall be compensated for and the Department shall have a civil cause of action for any damage. The composition on account of damage by way of extracted material shall be liable from the agency/Project Proponent.
- xiii That the NOC is liable to cancellation in case of violation of any term/s and condition/s as laid down above or violation of any provisions of Fisheries Act 2018 or any Notification without any prior notice.
- xiv That the agency/ authorized person shall have to submit an undertaking/affidavit dully attested by the 1st class Judicial Magistrate that the Project proponent/ authorized person shall abide by the terms and conditions as laid down in SRO-105 of 2016 and Fisheries Act-2018, rules, notifications orders/ circulars issued by the Government in this regard from time to time within a fortnight from issuance of this NOC.
- xv That the NOC is subjected to proper demarcation of the mining block as per the approved mining area/plan and fixing of permanent posts (As the same is falling in the reserved area under Fisheries Act). In instance of any contravention regarding the Fisheries Act 2018, the NOC granted shall

(Copy of an NOCs, forming appendix (I) to this communication is enclosed herewith.)

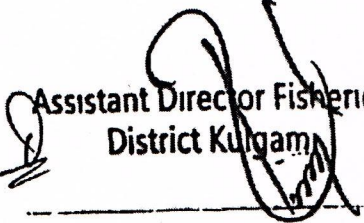
A careful perusal of the above amply makes it clear that the Department of Fisheries takes all steps not to allow destruction of the stream ecosystem or alteration of the aqua fauna habitat. Any alteration or deterioration reported has been due to poor regulation by the Geology and Mining Department.

#### 5. Proposed Solutions:

- **Re-evaluation of Mining Operations:** Urgent re-evaluation of mining operations is required to address the excessive and unscientific mining practices that have caused significant destruction to the stream.
- **Stricter Enforcement by Geology and Mining Department:** Increased enforcement by the Geology and Mining Department to prevent both legal and illegal unregulated mining activities.
- **Regulated Mining in Dry Patches Only:** Allow mining activity only in designated dry patches under strict conditions to minimize environmental impact.
- **Closure of Mining in Drained Patches:** Close all mining activities in drained patches where aquafauna exists to protect aquatic biodiversity.
- **Local Bodies' Responsibility:** Local bodies should be made responsible for ensuring that the stream is not littered with municipal waste.
- **Habitat Restoration:** Initiate habitat restoration projects to rehabilitate affected areas and promote biodiversity.
- **Monitoring Committees:** Establish dedicated monitoring committees to oversee mining activities, water quality, and fish populations.
- **Regular Monitoring:** Set up a regular monitoring system to track water quality and fish populations.
- **Collaboration:** Collaborative approach between the Departments of Geology and Mining, Fisheries, Flood Control and Irrigation, Local Bodies and local communities to ensure sustainable mining practices and protect the stream.

6. **Conclusion:** We are committed to addressing the environmental concerns raised by the NGT and ensuring the protection and restoration of the Vishaw stream. We will continue to work diligently to mitigate pollution and habitat alteration to safeguard the aquatic biodiversity and water quality of the stream.

Yours faithfully

  
Assistant Director Fisheries,  
District Kullgam

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**Government of Jammu and Kashmir**  
**Office of the Assistant Director Fisheries District Kulgam**  
 {DC Office Cum Mini Secretariate Kulgam (Room No. 243) [adfiserieskgm@gmail.com](mailto:adfiserieskgm@gmail.com) (1931295139)}

**SUBJECT:- GRANT OF NOC FOR ENVIRONMENTAL CLEARANCE**


1. Whereas Department of Geology & Mining, Government of Jammu & Kashmir, has issued a letter of intent vide its No. 733/MCC/DGM/B-12/Kul/20/1727-34 Dated:-17-07-2020 in favour of Mr. Kimat Lal S/O:- Kohla Ram, R/O:- Raipur Satwari Jammu & Kashmir (180003) for conducting of minor mineral operations in Mining Block No 12 (Area 4.46 hectares) Identified/circumscribed by Geo Coordinates Points as (A = 33° 37' 50.17" N 74° 57' 13.28" E, B = 33° 37' 51.57" N 74° 57' 25.50" E, C = 33° 37' 54.50" N 74° 57' 34.89" E, D = 33° 37' 47.87" N 74° 57' 15.01" E, E = 33° 37' 56.01" N 74° 57' 40.25" E, F = 33° 37' 49.07" N 74° 57' 26.79" E, G = 33° 37' 47.87" N 74° 57' 15.01" E) and located on bed of Vishu Nallah flowing near village L- Mirhama in District Kulgam.
2. Whereas the Project Proponent (Mr Kimat Lal S/O:- Kohla Ram, R/O:- Raipur Satwari Jammu & Kashmir (180003)) has approached this Office through Nodal Officer District Level Single Window Committee vide No. DCK/Accts/ 2022-23/311-21. Dated:- 08-09-2022 and DCK/Estt/2022-23/465-74. Dated:- 07-11-2022.
3. Whereas the site of the Mining Block, as referred to above, has been physically inspected by the Inspector Fisheries Headquarter/Extension, an Officer specifically authorized by the Assistant Director Fisheries District Kulgam to conduct the physical inspection.
4. Based on the inspection report from the authorized officer and with reference to Grant of NOC to the above said block issued from this office previously vide No. ADF/Kul/2020-21./45-50. Dated:- 19-04-2021, fresh NOC is hereby issued subject to the fulfillment of following terms and conditions which shall form an integral part of this NOC.
  - i. That the Project Proponent/authorized person shall not sublet the contract to any other person/agency without seeking proper permission from this Department.
  - ii. That the Project Proponent/authorized person shall be under legal obligations to ensure that there is no collateral damage to the Environment, Eco-system, Hydrobiology and Ichthyofauna of the water body as a result of extraction. For any damage/ negligence voluntary or otherwise this NOC shall be liable for cancelation besides legal action shall be initiated against the defaulter in the appropriate forum.

- iii. That the Agency/ authorized firm/person shall by virtue of this NOC carry out extraction of minor minerals exclusively in dry patches at the Highest Flood Level (HFL) and in no case such extraction shall be allowed below the HFL of stream or in the main stream itself. Furthermore no trenches be created during the course of extraction as the juvenile fish get trapped in these trenches during lean period and lead to wholesome mortality. Besides, there shall be no damage to the bed sediment of the stream which serves as the breeding/ feeding ground for fish.
- iv. No vehicles, block cart, tractor shall be allowed to ply in the zone of the extraction. The extracted material from the site shall be head loaded to the mode of transportation vehicle for onward transportation.
- v. That the agency/ authorized person shall abide by the Rules and Regulations as laid down in the existing Fisheries Act and amendments, notifications etc issued from time to time in this regard.
- vi. That the agency/ authorized person shall comply with other locational statutory requirements in force as per law.
- vii. Extraction of minerals by mechanical means like bulldozer, JCB, etc is strictly prohibited particularly in the water course as being the prime habitat of fish biota.
- viii. That the unscientific extraction of bed material shall be avoided as it leads to annihilation, extinction and extermination of Fish biota from these habitats due to ecological imbalance without consideration of Environmental Action Plan.
- ix. That the NOCs from the other Government Departments like Revenue, Jal Shakti, irrigation & Flood Control, Pollution Control Board, Forest, Wildlife, Panchayat Raj Institutions (PRIs) etc are mandatory prior to execution of the work.
- x. This permission/ NOC is valid for a period of one year only and shall be governed by the environmental concerns, which shall be taken due care of during the process of extraction.
- xi. Any Damage accrued to the biodiversity particularly to the Fish Fauna, which would be in contravention to the tenets of Fisheries Act/Notifications etc shall be duly compensated as per the laws in vogue.
- xii. There is every apprehension of damage to the live stocks existing in such habitats and thus the loss incurred by way of extraction shall be compensated for and the Department shall have a civil cause of action for any damage. The composition on account of damage by way of extracted material shall be liable from the agency/Project Proponent.
- xiii. That the NOC is liable to cancellation in case of violation of any term/s and condition/s as laid down above or violation of any provisions of Fisheries Act 2018 or any Notification without any prior notice.

- xiv. That the agency/ authorized person shall have to submit an undertaking/affidavit duly attested by the 1st class Judicial Magistrate that the Project proponent/ authorized person shall abide by the terms and conditions as laid down in SRO-105 of 2016 and Fisheries Act-2018, rules, notifications orders/ circulars issued by the Government in this regard from time to time within a fortnight from issuance of this NOC.

The NOC granted shall have the applicability with respect to Fisheries Act, Rules, Regulations Notifications, Orders, Circulars issued by the Government from time to time for safeguarding and Development of Fisheries in the Union Territory of Jammu & Kashmir only and shall in no case be taken as a legitimate document and subsequent right with respect to other stakeholders involved in such establishment.

This shall be without prejudice to the outcome of the writ petition(s), pending in any competent court(s) of law.

  
Assistant Director Fisheries,  
District Kulgam,  
District Kulgam.

No. ADF/Kul/2022-23/1070-76

Dated:- 16-11-2022.

Copy to the:-

01. Director Fisheries Govt of J&K for favour of information.
02. Deputy Commissioner Kulgam for favour of information.
03. Joint Director Fisheries (South) for favour of information.
04. District Mineral Officer Kulgam for information.
05. Inspector Fisheries Headquarter/Extension for information with the instructions to get the terms and condition laid in the NOC strictly implemented.
06. Mr. Kimat Lal/Project Proponent for information. He shall submit the undertaking/ Affidavit as mentioned above in Para (xiv) within stipulated time frame, failing which NOC shall be deemed cancelled in ab-initio.
07. Concerned File.

**Government of Jammu and Kashmir**

**Office of the Assistant Director Fisheries District Kulgam**

{DC Office Cum Mini Secretariate Kulgam (Room No. 243) [adfiserieskgm@gmail.com](mailto:adfiserieskgm@gmail.com) (1931295139)}

**Subject:- Minor Mineral Blocks of District Kulgam for e-auction.**

**Reference:- (1). DCK/Estt/2024-25/948-958, Dated:- 30-09-2024.**

In pursuance to the subject and reference cited above, this office has been directed to furnish NOC/ Otherwise for conducting of minor mineral operations in Mining Block No 9 KL/V/I, Chingi Adigan Bridge Downstream ( Area 4.31 Hectares).

01. Whereas the Minor Mineral Block mentioned above was previously issued NOC by this Office vide No. **ADF/KUL/2020-21/1890-95, Dated:- 29-03-2021**, subject to the following terms and conditions: \_

- i. That the tenants of the Fisheries Act which interalia involves the Conservation and Propagation of Fish Fauna may be strictly adhered to.
- ii. The Block being of traversing course of Vishaw Nallah abodes a diversity of Fish Fauna and their habitats particularly in the pools should not be disbursed during extraction.
- iii. Maximum restraint should be adopted while extraction and plying of the vehicles through the water course should be minimized to safeguard the breeding and feeding grounds of Fish Fauna existing in the prescribed stretch of the Nallah.

02. Whereas the extraction has been carried out during the auction period unscientifically without caring for the fish stocks existing in the said Nallah.

03. Whereas the Fresh NOC is hereby issued subjected to the strictly adherence to the following terms and conditions

- i. That the Project Proponent/authorized person shall not sublet the contract to any other person/agency without seeking proper permission from this Department.
- ii. That the Project Proponent/authorized person shall be under legal obligations to ensure that there is no collateral damage to the Environment, Eco-system, Hydrobiology and Ichthyofauna of the water body as a result of extraction. For any damage/ negligence voluntary or otherwise this NOC shall be liable for cancelation besides legal action shall be initiated against the defaulter in the appropriate forum.
- iii. That the Agency/ authorized firm/person shall by virtue of this NOC carry out extraction of minor minerals exclusively in dry patches at the Highest Flood Level (HFL) and in no case such extraction shall be allowed below the HFL of stream or in the main stream itself. Furthermore no trenches be created during the course of extraction as the juvenile fish get trapped in these trenches during lean period and lead to wholesome mortality. Besides, there shall be no damage to the bed sediment of the stream which serves as the breeding/ feeding ground for fish.

*Z*

P(01 of 03)

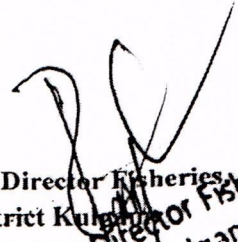
- iv. No vehicles, block cart, tractor shall be allowed to ply in the zone of the extraction. The extracted material from the site shall be head loaded to the mode of transportation vehicle for onward transportation.
- v. That the agency/ authorized person shall abide by the Rules and Regulations as laid down in the existing Fisheries Act and amendments, notifications etc issued from time to time in this regard.
- vi. That the agency/ authorized person shall comply with other locational statutory requirements in force as per law.
- vii. Extraction of minerals by mechanical means like bulldozer, JCB, etc is strictly prohibited particularly in the water course as being the prime habitat of fish biota.
- viii. That the unscientific extraction of bed material shall be avoided as it leads to annihilation, extinction and extermination of Fish biota from these habitats due to ecological imbalance without consideration of Environmental Action Plan.
- ix. That the NOCs from the other Government Departments like Revenue, Jal Shakti, irrigation & Flood Control, Pollution Control Board, Forest, Wildlife, Panchayat Raj Institutions (PRIs) etc are mandatory prior to execution of the work.
- x. Any Damage accrued to the biodiversity particularly to the Fish Fauna, which would be in contravention to the tenets of Fisheries Act/Notifications etc shall be duly compensated as per the laws in vogue.
- xi. There is every apprehension of damage to the live stocks existing in such habitats and thus the loss incurred by way of extraction shall be compensated for and the Department shall have a civil cause of action for any damage. The composition on account of damage by way of extracted material shall be liable from the agency/Project Proponent @ Rs 01/ Metric Tonne.
- xii. That the NOC is liable to cancellation in case of violation of any term/s and condition/s as laid down above or violation of any provisions of Fisheries Act 2018 or any Notification without any prior notice.
- xiii. That the agency/ authorized person shall have to submit an undertaking/affidavit dully attested by the 1st class Judicial Magistrate that the Project proponent/ authorized person shall abide by the terms and conditions as laid down in SRO-105 of 2016 and Fisheries Act-2018, rules, notifications orders/ circulars issued by the Government in this regard from time to time within a fortnight from issuance of this NOC.
- xiv. That the NOC is subjected to proper demarcation of the mining block as per the approved mining area/plan and fixing of permanent posts (As the same is falling in the reserved area under Fisheries Act). In instance of any contravention regarding the Fisheries Act 2018, the NOC granted shall deemed to be rescinded.

The NOC granted shall have the applicability with respect to Fisheries Act, Rules, Regulations Notifications, Orders, Circulars issued by the Government from time to time for safeguarding and Development of Fisheries in the Union Territory of Jammu & Kashmir only and shall in no case be taken as a legitimate document and subsequent right with respect to other stakeholders involved in such establishment.

This shall be without prejudice to the outcome of the writ petition(s), pending in any competent court(s) of law.

No. ADF/Kul/2024-2025/ 1070-03

Dated:- 22-10-2024.

  
Assistant Director Fisheries  
District Kulgam  
Assistant Director Fisheries  
District Kulgam

**Copy to the:-**

01. Director Fisheries Govt of J&K for favour of information.
02. Deputy Commissioner Kulgam for favour of information.
03. Joint Director Fisheries (South) for favour of information.
04. District Mineral Officer Kulgam for information.
05. Inspector Fisheries Headquarter/Extension for information with the instructions to get the terms and conditions laid in the NOC strictly implemented.
06. Concerned File.