

ANNEXURE-A

List of Mining leases granted in respect of mineral gypsum till date and their present status.

S. No.	Name of the Lease/ Lessee	Location	Area (in Ha)	Govt. Order with Date	Lease Period (in Years)	Present Status
01	M/S Raz Chemicals	Naloosa	2.76	343-Ind of 1997 19.08.1997	20+5	Lease expired on 26.08.2022
02	M/S Khyber Industries	Jabador, Bijhama	2.18	99-Ind of 2022 27.03.2002	20	Lease expired on 11.06.2022
03	Noor Mohd. Trumboo	Zamboor Pattan	5.7	241-Ind of 2003 16.09.2003	20	Working
04	Gee Emm Industries	Bagna	4.8	136-Ind of 2005 18.05.2005	20	Working
05	Kashmir Mineral Mills	Dara Gutlian	4.13	171-Ind of 2005 04.07.2005	30	Not-working since Aug-2022
06	M/S Tower Chemicals	Bagna	4.01	308-Ind of 2005 30.12.2005	30	Not-working since Mar-2023 due to expiry of Mining Plan
07	M/S Peer Panchal Industries	Naloosa	4.72	79-Ind of 2006 22.03.2006	20	Not working since execution of lease
08	M/S New Sigma Industries	Bagna	4.84	113-Ind of 2006 20.04.2006	20	Working
09	Syed Mohd. Tahir	Dara Gutlian	4.18	176-Ind of 2006 09.08.2006	20	Working
10	Syed Mohd. Irshad	Dara Gutlian	4.43	177-Ind of 2006 09.08.2006	20	Working
11	M/S Jehlum Valley	Dara Gutlian	4.43	43-Ind of 2008 13.02.2008	30	Working
12	M/S Baba Chemicals	Salamabad, Dachina	4.39	212-Ind of 2008 19.08.2008	20	Working on Court Orders
13	M/S Neelam Valley Gypsum	Salamabad	4.76	294-Ind of 2008 01.12.2008	20	Not working since Aug-2019
14	M/S Snow White Gypsum	Naloosa	4.09	185-Ind of 2014 12.08.2014	20	Working
15	M/S Kohinoor Gypsum	Bagna	4.20	89-DGM of 2021 28.07.2021	10	Work suspended since Aug-2023

**Office of The
Deputy Commissioner Baramulla**

Sub: - Grant of Environmental Clearance in favour of Nalusa Gypsum Mining project (Area-2.73ha) located at village –Nalusa, Tehsil-Boniyar District Baramulla

ORDER

On the basis of recommendation of District Expert Appraisal Committee(DEAC) conveyed vide its record note no:- 2872-74 Dated:- 27.07.2017 and in view of decision taken by District Level Environment Impact Assessment Authority (DEIAA) in the meeting held on 11.08.2017, Environmental Clearance is hereby granted in favour of project proponent viz Nalusa Gypsum Mining Project , located at village Nalusa Tehsil Boniyar, Subject to the following conditions.

- The project proponent shall obtain consent to operate from the J&K pollution Control Board and effectively implement all the conditions stipulated therein.
- Fugitive dust emission from all the sources should be controlled regularly. Water spraying arrangement on haul roads, loading and unloading and at transfer points should be provided and properly maintained.
- Personnel working in dusty areas should wear protective respiratory devices and they should also be provided with adequate training and information on safety and health aspects.
- Occupational health surveillance programme of the workers should be undertaken periodically to observe any contractions due to exposure to dust and take corrective measures if needed.
- The funds earmarked for environmental protection measures should be kept in separate account and should not be diverted for other purpose. Year wise expenditure should be reported to the MOEF&CC and its Regional office.
- A copy of the clearance letter shall be sent by the proponent to concerned Panchayat, Zilla Parisad Municipal Corporation, Urban Local body and the local NGO, if any, from whom suggestions/ representations, if any, were received while processing the proposal . The clearance letter shall also be put on the website of the company by title proponent.
- The state pollution control board should display a copy of the clearance letter at the Regional Office, District Industry Centre and the Collector Office/ Tehsildar office for 30 days
- The environmental statement for each financial year ending 31st March in Form –V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules , 1986 as amended subsequently, shall also be put on the website of the company

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- Disposal of muck including excavated material, if any during construction phase should not create any adverse effects on the neighboring communities and be disposed of taking the necessary precautions for general safety and health aspects of public, only in approved sites with the approval of competent authority. The topsoil excavated during working activities should be stored for use in.
- Effective safeguard measures shall be taken to control particulate matter level so to ensure that these are within permissible limit.
- Effective safeguard measures, such as regular water sprinkling shall be carried out in critical areas prone to air pollution and having high levels of particulate matter such as loading and unloading point and all transfer points. Extensive water sprinkling shall be carried out on haul roads. It should be ensured that the Ambient Air Quality parameters conform to the norms prescribed by the Central Pollution Control Board in this regard.
- The project proponent shall undertake adequate safeguard measures during extraction of material and ensure that due to this activity the hydro-geological regime of surrounding areas shall not be affected. Regular monitoring of ground water level and quality shall be carried out around the mine lease area by establishing a network of existing wells and installing new piezometers during the mining operation.
- The project proponent shall obtain necessary prior permission from the competent authority for drawal of requisite quantity of water for the project.
- Vehicular emission shall be kept under control and regularly monitored. The mineral transportation shall be carried out through the covered trucks only and the vehicle carrying the mineral shall not be overloaded.
- Mineral handling area shall be provided with the adequate number of high efficiency dust extraction system. Loading and unloading areas including all the transfer points should also have efficient dust control arrangements. These should be properly maintained and operated.
- Periodical medical examination of the workers engaged in the project shall be carried out and records maintained for the purpose schedule of health examination of the workers should be drawn and follow accordingly.
- No change in mining technology and scope of working should be made without prior approval of the MOEF&CC.
- No change in the calendar plan including excavation, quantum of mineral, Sand, Gravel Boulders (minor or mineral) and waste should be made.
- The DEIAA reserves the right to add additional safeguard measures subsequently, if found necessary, and to take action including revoking of the environment clearance under the provisions of the Environment (Protection) Act, 1986 , to ensure effective implementation of the suggested safeguards and measures in a time bound and satisfactory manner.
- The project proponent may seek extension of validity period of Environmental clearance after the expiry of validity period of the EC as per provisions contained in EIA notification ,2006 and subsequent amendment there under.

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- The Environmental clearance shall be subject to the condition that the project proponent shall obtain prior grant order/ renewal of mining lease from the competent authority.
- The project proponent shall provide and maintain toilet tank, provide railing for balcony plantation provide chairs and boards provide RO purification etc. in school and primary Health centre under proposed CSR activities.

No: ADCB/Reader/2017/1511-16
Dated: 14/08/2017


Deputy Commissioner,
Baramulla

Copy to the:-

1. Assistant Commissioner Revenue for information
2. Divisional Forest officer, J.V. Division Baramulla (member DEIAA) for information
3. Executive Engineer Irrigation and Flood Control Baramulla (Member Secretary DEAC) for information
4. District Mineral Officer Baramulla (Member Secretary DEAC) for information
5. P.A. to Deputy Commissioner Baramulla for information of the Worthy Deputy Commissioner.
6. MS Raz Chemicals Nalusa Mining project for information and compliance.

Office of The
Deputy Commissioner Baramulla

Sub: - Grant of Environmental Clearance in favour of M/s Snow White Gypsum Mining Project (Area-4.09ha) under S.No's 582 M & 583 M located at village -Nalusa, Tehsil-Boniyar District Baramulla

ORDER

On the basis of recommendation of District Expert Appraisal Committee (DEAC) conveyed vide its record note No:- I&FCDB/5858-60 Dated: 27.12.2017 & 7193-96 Dated: 08.02.2018 and in view of decision taken by District Level Environment Impact Assessment Authority (DEIAA) in the meeting held on 02.02.2018, Environmental Clearance is hereby granted in favour of M/S Snow White Gypsum Nalusa, located at village Nalusa Tehsil Boniyar, Subject to the following conditions.

- The lessee shall not operate any kind of machinery creating noise levels above 75 db (decibels)
- The project proponent shall obtain consent to operate from the J&K pollution Control Board and effectively implement all the conditions stipulated therein.
- Fugitive dust emission from all the sources should be controlled regularly. Water spraying arrangement on haul roads, loading and unloading and at transfer points should be provided and properly maintained.
- Personnel working in dusty areas should wear protective respiratory devices and they should also be provided with adequate training and information on safety and health aspects.
- Occupational health surveillance programme of the workers should be undertaken periodically to observe any contractions due to exposure to dust and take corrective measures if needed.
- The funds earmarked for environmental protection measures should be kept in separate account and should not be diverted for other purpose. Year wise expenditure should be reported to the MOEF&CC and its Regional office.
- A copy of the clearance letter shall be sent by the proponent to concerned Panchayat, Zilla Parisad Municipal Corporation, Urban Local body and the local NGO, if any, from whom suggestions/ representations, if any, were received while processing the proposal. The clearance letter shall also be put on the website of the company by title proponent.
- The state pollution control board should display a copy of the clearance letter at the Regional Office, District Industry Centre and the Collector Office/ Tehsildar office for 30 days



- The environmental statement for each financial year ending 31st March in Form -V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986 as amended subsequently, shall also be put on the website of the company along with the status of compliance of environmental clearance conditions and shall also be sent to the Regional office of the MoEF&CC.
- Disposal of muck including excavated material, if any during construction phase should not create any adverse effects on the neighboring communities and be disposed of taking the necessary precautions for general safety and health aspects of public, only in approved sites with the approval of competent authority. The topsoil excavated during working activities should be stored for use in.
- Effective safeguard measures shall be taken to control particulate matter level so to ensure that these are within permissible limit.
- Effective safeguard measures, such as regular water sprinkling shall be carried out in critical areas prone to air pollution and having high levels of particulate matter such as loading and unloading point and all transfer points. Extensive water sprinkling shall be carried out on haul roads. It should be ensured that the Ambient Air Quality parameters conform to the norms prescribed by the Central Pollution Control Board in this regard.
- The project proponent shall undertake adequate safeguard measures during extraction of material and ensure that due to this activity the hydro-geological regime of surrounding areas shall not be affected. Regular monitoring of ground water level and quality shall be carried out around the mine lease area by establishing a network of existing wells and installing new piezometers during the mining operation.
- The project proponent shall obtain necessary prior permission from the competent authority for drawal of requisite quantity of water for the project.
- Vehicular emission shall be kept under control and regularly monitored. The mineral transportation shall be carried out through the covered trucks only and the vehicle carrying the mineral shall not be overloaded.
- Mineral handling area shall be provided with the adequate number of high efficiency dust extraction system. Loading and unloading areas including all the transfer points should also have efficient dust control arrangements. These should be properly maintained and operated.
- Periodical medical examination of the workers engaged in the project shall be carried out and records maintained for the purpose schedule of health examination of the workers should be drawn and follow accordingly.
- No change in mining technology and scope of working should be made without prior approval of the MOEF&CC.
- No change in the calendar plan including excavation, quantum of mineral, Sand, Gravel Boulders (minor or mineral) and waste should be made.



- The DEIAA reserves the right to add additional safeguard measures subsequently, if found necessary, and to take action including revoking of the environment clearance under the provisions of the Environment (Protection) Act, 1986, to ensure effective implementation of the suggested safeguards and measures in a time bound and satisfactory manner.
- The project proponent may seek extension of validity period of Environmental clearance after the expiry of validity period of the EC as per provisions contained in EIA Notification, 2006 and subsequent amendment there under.
- The Environmental clearance shall be subject to the condition that the project proponent shall obtain prior grant order/ renewal of mining lease from the competent authority.
- The project proponent shall provide and maintain toilet tank, provide railing for balcony plantation provide chairs and boards provide RO purification etc. in school and primary Health centre under proposed CSR activities.
- The project proponent shall not use Rock Breaker in accordance with court order announced on 20.07.2017.

The Environment Clearance shall be subject to the outcome of any suit pending with Hon'ble Court, if any.

No: ADCB/Reader/2017/2802-06
Dated: 17/02/2018


Deputy Commissioner,
Baramulla

Copy to the:-

1. Assistant Commissioner Revenue, Baramulla (Member DEIAA) for information
2. Divisional Forest officer, J.V. Division Baramulla (Member DEIAA) for information
3. Executive Engineer Irrigation and Flood Control Baramulla (Chairman DEAC) for information
4. District Mineral Officer Baramulla (Member Secretary DEAC) for information
5. MS Snow White Mining project for information and compliance.

Deputy Commissioner Baramulla

Sub: - Grant of Environmental Clearance in favour of M/s New Sigma Industries Bagna Gypsum Mining project, (Area-4.849ha) Khasra No 1093 Min located at village -Bagna Tehsil Uri, District Baramulla

ORDER

On the basis of recommendations of District Expert Appraisal Committee (DEAC) conveyed vide its record note No:- I&FCDB/7771-73 Dated: 05.03.2018 and in view of decision taken by District Level Environment Impact Assessment Authority (DEIAA) in the meeting held on 28.03.2018, **Environmental Clearance** is hereby granted in favour of M/s **New Sigma Industries** located at village Bagna Tehsil Uri District Baramulla, Subject to the following conditions.

- The lessee shall not operate any kind of machinery creating noise levels above 75 db (decibels)
- The project proponent shall obtain consent to operate from the J&K pollution Control Board and effectively implement all the conditions stipulated therein.
- Fugitive dust emission from all the sources should be controlled regularly. Water spraying arrangement on haul roads, loading and unloading and at transfer points should be provided and properly maintained.
- Personnel working in dusty areas should wear protective respiratory devices and they should also be provided with adequate training and information on safety and health aspects.
- Occupational health surveillance programme of the workers should be undertaken periodically to observe any contractions due to exposure to dust and take corrective measures if needed.
- The funds earmarked for environmental protection measures should be kept in separate account and should not be diverted for other purpose. Year wise expenditure should be reported to the MOEF&CC and its Regional office.
- A copy of the clearance letter shall be sent by the proponent to concerned Panchayat, Zilla Parisad Municipal Corporation, ~~Urban-Local body~~ and the local NGO, if any, from whom suggestions/ representations, if any, were received while processing the proposal. The clearance letter shall also be put on the website of the company by title proponent.
- The state pollution control board should display a copy of the clearance letter at the Regional Office, District Industry Centre and the Collector Office/ Tehsildar office for 30 days

- The environmental statement for each financial year ending 31st March in Form -V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986 as amended subsequently, shall also be put on the website of the company along with the status of compliance of environmental clearance conditions and shall also be sent to the Regional office of the MoEF&CC.
- Disposal of muck including excavated material, if any during construction phase should not create any adverse effects on the neighboring communities and be disposed of taking the necessary precautions for general safety and health aspects of public, only in approved sites with the approval of competent authority. The topsoil excavated during working activities should be stored for use in.
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- The project proponent shall undertake adequate safeguard measures during extraction of material and ensure that due to this activity the hydro-geological regime of surrounding areas shall not be affected. Regular monitoring of ground water level and quality shall be carried out around the mine lease area by establishing a network of existing wells and installing new piezometers during the mining operation.
- The project proponent shall obtain necessary prior permission from the competent authority for drawl of requisite quantity of water for the project.
- Vehicular emission shall be kept under control and regularly monitored. The mineral transportation shall be carried out through the covered trucks only and the vehicle carrying the mineral shall not be overloaded.
- Mineral handling area shall be provided with the adequate number of high efficiency dust extraction system. Loading and unloading areas including all the transfer points should also have efficient dust control arrangements. These should be properly maintained and operated.
- Periodical medical examination of the workers engaged in the project shall be carried out and records maintained for the purpose. Schedule of health examination of the workers should be drawn and followed accordingly.
- No change in mining technology and scope of working should be made without prior approval of the MOEF&CC.
- No change in the calendar plan including excavation, quantum of mineral, Sand, Gravel Boulders (minor or mineral) and waste should be made.

- The DEIAA reserves the right to add additional safeguard measures subsequently, if found necessary, and to take action including revoking of the environment clearance under the provisions of the Environment (Protection) Act, 1986, to ensure effective implementation of the suggested safeguards and measures in a time bound and satisfactory manner.
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- The Environmental clearance shall be subject to the condition that the project proponent shall obtain prior grant order/ renewal of mining lease from the competent authority.
- The project proponent shall provide and maintain toilet tank, provide railing for balcony plantation provide chairs and boards provide RO purification etc. in school and primary Health centre under proposed CSR activities.

The aforesaid project proponent shall ensure the fulfillment of the above laid conditions. The DEAC shall monitor the adherence of the above laid conditions by the project proponent and shall apprise the DEIAA after every six months for continuation or discontinuation of Environmental Clearance.

No: ADCB/Reader/2018-19/60-65

Dated: 04/04/2018


Deputy Commissioner,
Baramulla

Copy to the:-

1. Assistant Commissioner Revenue, Baramulla (Member Secretary DEIAA) for information
2. Divisional Forest officer, J.V. Division Baramulla (Member DEIAA) for information
3. Divisional Forest Officer, Social Forestry Baramulla (Nominated Expert Member for DEIAA)
4. Executive Engineer Irrigation and Flood Control Baramulla (Chairman DEAC) for information
- ✓ 5. District Mineral Officer Baramulla (Member Secretary DEAC) for information
6. M/s New Sigma Industries Bagna Gypsum Mining project for information and compliance.

Office of The
Deputy Commissioner Baramulla

Sub: - Grant of Environmental Clearance in favour of M/s Gee Emm Industries Bagna Gypsum , (Lease Area-4.80ha) Khasra.No's 1093 Min located at village -Bagna, Tehsil Uri, District Baramulla

ORDER

On the basis of recommendations of District Expert Appraisal Committee (DEAC) conveyed vide its record note No:- 7012-14 Dated:- 02.02.2018 and in view of decision taken by District Level Environment Impact Assessment Authority (DEIAA) in the meeting held on 28.03.2018, **Environmental Clearance** is hereby granted in favour of M/s **Gee Emm Industries** located at village Bagna Tehsil Uri District Baramulla, Subject to the following conditions.

- The lessee shall not operate any kind of machinery creating noise levels above 75 db (decibels)
- The project proponent shall obtain consent to operate from the J&K pollution Control Board and effectively implement all the conditions stipulated therein.
- Fugitive dust emission from all the sources should be controlled regularly. Water spraying arrangement on haul roads, loading and unloading and at transfer points should be provided and properly maintained.
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- The state pollution control board should display a copy of the clearance letter at the Regional Office, District Industry Centre and the Collector Office/ Tehsildar office for 30 days



- The environmental statement for each financial year ending 31st March in Form -V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986 as amended subsequently, shall also be put on the website of the company along with the status of compliance of environmental clearance conditions and shall also be sent to the Regional office of the MoEF&CC.
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- The project proponent shall obtain necessary prior permission from the competent authority for drawl of requisite quantity of water for the project.
- Vehicular emission shall be kept under control and regularly monitored. The mineral transportation shall be carried out through the covered trucks only and the vehicle carrying the mineral shall not be overloaded.
- Mineral handling area shall be provided with the adequate number of high efficiency dust extraction system. Loading and unloading areas including all the transfer points should also have efficient dust control arrangements. These should be properly maintained and operated.
- Periodical medical examination of the workers engaged in the project shall be carried out and records maintained for the purpose. Schedule of health examination of the workers should be drawn and followed accordingly.
- No change in mining technology and scope of working should be made without prior approval of the MOEF&CC.
- No change in the calendar plan including excavation, quantum of mineral, Sand, Gravel Boulders (minor or mineral) and waste should be made.



- The DEIAA reserves the right to add additional safeguard measures subsequently, if found necessary, and to take action including revoking of the environment clearance under the provisions of the Environment (Protection) Act, 1986, to ensure effective implementation of the suggested safeguards and measures in a time bound and satisfactory manner.
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- The project proponent shall provide and maintain toilet tank, provide railing for balcony plantation provide chairs and boards provide RO purification etc. in school and primary Health centre under proposed CSR activities.

The aforesaid project proponent shall ensure the fulfillment of the above laid conditions. The DEAC shall monitor the adherence of the above laid conditions by the project proponent and shall apprise the DEIAA after every six months for continuation or discontinuation of Environmental Clearance.

No: ADCB/Reader/2018-19/54-59

Dated: 04/04/2018


Deputy Commissioner,
Baramulla

Copy to the:-

1. Assistant Commissioner Revenue, Baramulla (Member Secretary DEIAA) for information
2. Divisional Forest officer, J.V. Division Baramulla (Member DEIAA) for information
3. Divisional Forest Officer, Social Forestry Baramulla (Nominated Expert Member for DEIAA)
4. Executive Engineer Irrigation and Flood Control Baramulla (Chairman DEAC) for information
- ✓ 5. District Mineral Officer Baramulla (Member Secretary DEAC) for information
6. M/s Gee Emm Industries Bagna Gypsum for information and compliance.

Office of The
Deputy Commissioner Baramulla

Sub: - Grant of Environmental Clearance in favour of M/S Jhelum Valley Gypsum Mining Project, Village Dara Gutliyan Tehsil Boniyar District Baramulla Area 04.43 Hectares

ORDER

On the basis of recommendations of District Expert Appraisal Committee (DEAC) conveyed vide its record note No:- 1656-60 Dated: 02.07.2018 and in view of decision taken by District Level Environment Impact Assessment Authority (DEIAA) in the meeting held on 08.11.2018, Environmental Clearance is hereby granted in favour of M/S Jhelum Valley Gypsum Mining Project, located at Village Dara Gutliyan Tehsil Boniyar District Baramulla, Subject to the following conditions.

- The lessee shall not operate any kind of machinery creating noise levels above 75 db (decibels)
- The project proponent shall obtain consent to operate from the J&K pollution Control Board and effectively implement all the conditions stipulated therein.
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[Signature]

Deputy Commissioner
Baramulla

- The state pollution control board should display a copy of the clearance letter at the Regional Office, District Industry Centre and the Collector Office/ Tehsildar office for 30 days
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 Assistant Commissioner
 (D. I. Bureau)

- Periodical medical examination of the workers engaged in the project shall be carried out and records maintained for the purpose. Schedule of health examination of the workers should be drawn and followed accordingly.
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- The Environmental clearance shall be subject to the condition that the project proponent shall obtain prior grant order/ renewal of mining lease from the competent authority.
- The project proponent shall provide and maintain toilet tank, provide railing for balcony plantation provide chairs and boards provide RO purification etc. in school and primary Health centre under proposed CSR activities.
- The Project Proponent shall give an undertaking by way of affidavit to comply with all statutory requirements and judgment of Hon'ble Supreme Court Dated: 2nd August 2017 in Writ petition (Civil) No 114 of 2014 in the matter of Common Cause Vs Union of India & Ors before grant of ToR /EC. The undertaking inter-alia includes commitment of PP not to repeat any such violation in future.
- In case of violation of above undertaking, ToR/EC shall be liable to be terminated forthwith.
- The Environmental Clearance will not be Operational till such time the Project Proponent complies with all statutory requirements and judgment of Hon'ble Supreme Court Dated: 2nd August 2017 in Writ petition (Civil) No 114 of 2014 in the matter of Common Cause Vs Union of India & Ors
- The mining operation shall not commence till the entire compensation levied, if any, for illegal mining paid by the Project Proponent through their respective Department of Mining & Geology in strict compliance of judgment of Hon'ble Supreme



Assistant Commissioner
(M&G) Durgamchandi

Court Dated: 2nd August 2017 in Writ petition (Civil) No 114 of 2014 in the matter of Common Cause Vs Union of India & Ors

The aforesaid project proponent shall ensure the fulfillment of the above laid conditions. The DEAC shall monitor the adherence of the above laid conditions by the project proponent and shall apprise the DEIAA after every six months for continuation and discontinuation of Environmental Clearance.

No: ADCB/Reader/2018-19/3100-3105

Dated: 24/01/2018


Divisional Forest Officer
JV Div Baramulla
(Member/Nominated Expert member DEIAA)
Baramulla


Assistant Commissioner Revenue
Baramulla
(Member Secretary DEIAA)
Baramulla


Deputy Commissioner
Baramulla
(Chairman DEIAA)
Baramulla

Copy to the:-

1. Assistant Commissioner Revenue, Baramulla (Member Secretary DEIAA) for information
2. Divisional Forest officer, J.V. Division Baramulla (Member DEIAA) for information
3. Executive Engineer Irrigation and Flood Control Baramulla (Chairman DEAC) for information
4. District Officer, Pollution Control Board, Baramulla.
5. District Mineral Officer Baramulla (Member Secretary DEAC) for information
6. M/S Jhelum Valley Gypsum Mining Project, Village Dara Gutliyan Tehsil Boniyar District Baramulla for information and compliance.

Office of The
Deputy Commissioner Baramulla

Sub: - Grant of Environmental Clearance in favour of M/S Syed Mohmad Tahir Gypsum Mining Project, Dara Gutliyan Tehsil Boniyar District Baramulla Area 04.18 Hectares

ORDER

On the basis of recommendations of District Expert Appraisal Committee (DEAC) conveyed vide its record note No:- I&FCDB/1651-55 Dated: 02.07.2018 and in view of decision taken by District Level Environment Impact Assessment Authority (DEIAA) in the meeting held on 08.11.2018, Environmental Clearance is hereby granted in favour of M/S Syed Mohmad Tahir Gypsum Mining Project, located at Village Dara Gutliyan Tehsil Boniyar District Baramulla, Subject to the following conditions.

- The lessee shall not operate any kind of machinery creating noise levels above 75 db (decibels)
- The project proponent shall obtain consent to operate from the J&K pollution Control Board and effectively implement all the conditions stipulated therein.
- Fugitive dust emission from all the sources should be controlled regularly. Water spraying arrangement on haul roads, loading and unloading and at transfer points should be provided and properly maintained.
- Personnel working in dusty areas should wear protective respiratory devices and they should also be provided with adequate training and information on safety and health aspects.
- Occupational health surveillance programme of the workers should be undertaken periodically to observe any contractions due to exposure to dust and take corrective measures if needed.
- The funds earmarked for environmental protection measures should be kept in separate account and should not be diverted for other purpose. Year wise expenditure should be reported to the MOEF&CC and its Regional office.
- A copy of the clearance letter shall be sent by the proponent to concerned Panchayat, Zilla Parisad Municipal Corporation, Urban Local body and the local NGO, if any, from whom suggestions/ representations, if any, were received while processing the proposal. The clearance letter shall also be put on the website of the company by title proponent.


Deputy Commissioner
Baramulla

- The state pollution control board should display a copy of the clearance letter at the Regional Office, District Industry Centre and the Collector Office/ Tehsildar office for 30 days
- The environmental statement for each financial year ending 31st March in Form -V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986 as amended subsequently, shall also be put on the website of the company along with the status of compliance of environmental clearance conditions and shall also be sent to the Regional office of the MoEF&CC.
- Disposal of muck including excavated material, if any during construction phase should not create any adverse effects on the neighboring communities and be disposed of taking the necessary precautions for general safety and health aspects of public, only in approved sites with the approval of competent authority. The topsoil excavated during working activities should be stored for use in.
- Effective safeguard measures shall be taken to control particulate matter level so to ensure that these are within permissible limit.
- Effective safeguard measures, such as regular water sprinkling shall be carried out in critical areas prone to air pollution and having high levels of particulate matter such as loading and unloading point and all transfer points. Extensive water sprinkling shall be carried out on haul roads. It should be ensured that the Ambient Air Quality parameters conform to the norms prescribed by the Central Pollution Control Board in this regard.
- The project proponent shall undertake adequate safeguard measures during extraction of material and ensure that due to this activity the hydro-geological regime of surrounding areas shall not be affected. Regular monitoring of ground water level and quality shall be carried out around the mine lease area by establishing a network of existing wells and installing new piezometers during the mining operation.
- The project proponent shall obtain necessary prior permission from the competent authority for drawl of requisite quantity of water for the project.
- Vehicular emission shall be kept under control and regularly monitored. The mineral transportation shall be carried out through the covered trucks only and the vehicle carrying the mineral shall not be overloaded.
- Mineral handling area shall be provided with the adequate number of high efficiency dust extraction system. Loading and unloading areas including all the transfer points should also have efficient dust control arrangements. These should be properly maintained and operated.

- Periodical medical examination of the workers engaged in the project shall be carried out and records maintained for the purpose. Schedule of health examination of the workers should be drawn and followed accordingly.
- No change in mining technology and scope of working should be made without prior approval of the MOEF&CC.
- No change in the calendar plan including excavation, quantum of mineral, Sand, Gravel Boulders (minor or mineral) and waste should be made.
- The DEIAA reserves the right to add additional safeguard measures subsequently, if found necessary, and to take action including revoking of the environment clearance under the provisions of the Environment (Protection) Act, 1986, to ensure effective implementation of the suggested safeguards and measures in a time bound and satisfactory manner.
- The project proponent may seek extension of validity period of Environmental clearance after the expiry of validity period of the EC as per provisions contained in EIA Notification, 2006 and subsequent amendment there under.
- The Environmental clearance shall be subject to the condition that the project proponent shall obtain prior grant order/ renewal of mining lease from the competent authority.
- The project proponent shall provide and maintain toilet tank, provide railing for balcony plantation provide chairs and boards provide RO purification etc. in school and primary Health centre under proposed CSR activities.
- The Project Proponent shall give an undertaking by way of affidavit to comply with all statutory requirements and judgment of Hon'ble Supreme Court Dated: 2nd August 2017 in Writ petition (Civil) No 114 of 2014 in the matter of Common Cause Vs Union of India & Ors before grant of ToR /EC. The undertaking inter-alia includes commitment of PP not to repeat any such violation in future.
- In case of violation of above undertaking, ToR/EC shall be liable to be terminated forthwith.
- The Environmental Clearance will not be Operational till such time the Project Proponent complies with all statutory requirements and judgment of Hon'ble Supreme Court Dated: 2nd August 2017 in Writ petition (Civil) No 114 of 2014 in the matter of Common Cause Vs Union of India & Ors
- The mining operation shall not commence till the entire compensation levied, if any, for illegal mining paid by the Project Proponent through their respective Department of Mining & Geology in strict compliance of judgment of Hon'ble Supreme


Assistant Commissioner
B. M. J. Bhatnagar

Court Dated: 2nd August 2017 in Writ petition (Civil) No 114 of 2014 in the matter of Common Cause Vs Union of India & Ors

The aforesaid project proponent shall ensure the fulfillment of the above laid conditions. The DEAC shall monitor the adherence of the above laid conditions by the project proponent and shall apprise the DEIAA after every six months for continuation and discontinuation of Environmental Clearance.

No: ADCB/Reader/2018-19/3106-3111
Dated: 04/11/2019


Divisional Forest Officer
IV Div Baramulla
Forest Division
Member/Nominated Expert member DEIAA
Baramulla


Assistant Commissioner Revenue
Baramulla
(Member Secretary DEIAA)


~~Deputy Commissioner
Baramulla
(Chairman DEIAA)~~

Copy to the:-

1. Assistant Commissioner Revenue, Baramulla (Member Secretary DEIAA) for information
2. Divisional Forest officer, J.V. Division Baramulla (Member DEIAA) for information
3. Executive Engineer Irrigation and Flood Control Baramulla (Chairman DEAC) for information
4. District Officer, Pollution Control Board, Baramulla.
5. District Mineral Officer Baramulla (Member Secretary DEAC) for information
6. M/S Syed Mohamad Tahir Gypsum Mining Project, village Dara Gutliyan Tehsil Boniyar District Baramulla for information and compliance.

Office of The
Deputy Commissioner Baramulla

Sub: - Grant of Environmental Clearance in favour of M/S KOHINOOR GYPSUM MINING PROJECT, AREA 4.2 HEC. AT VILLAGE BEGNA TEHSIL BONIYAR DISTRICT BARAMULLA.

ORDER

On the basis of recommendations of District Expert Appraisal Committee (DEAC) conveyed vide its record note No:- ISFCDB/4851-55 Dated:28.11.2018 and in view of decision taken by District Level Environment Impact Assessment Authority (DEIAA) in the meeting held on 28.11.2018, Environmental Clearance is hereby granted in favour of M/S Kohinoor Gypsum Mining Project located at Village Dachina-Salamabad Tehsil Uri District Baramulla, Subject to the following conditions.

- The lessee shall not operate any kind of machinery creating noise levels above 75 db (decibels)
- The project proponent shall obtain consent to operate from the J&K pollution Control Board and effectively implement all the conditions stipulated therein.
- Fugitive dust emission from all the sources should be controlled regularly. Water spraying arrangement on haul roads, loading and unloading and at transfer points should be provided and properly maintained.
- Personnel working in dusty areas should wear protective respiratory devices and they should also be provided with adequate training and information on safety and health aspects.
- Occupational health surveillance programme of the workers should be undertaken periodically to observe any contractions due to exposure to dust and take corrective measures if needed.
- The funds earmarked for environmental protection measures should be kept in separate account and should not be diverted for other purpose. Year wise expenditure should be reported to the MOEF&CC and its Regional office.
- A copy of the clearance letter shall be sent by the proponent to concerned Panchayat, Zilla Parishad Municipal Corporation, Urban Local body and the local NGO, if any, from whom suggestions/ representations, if any, were received while processing the proposal. The clearance letter shall also be put on the website of the company by title proponent.

- The state pollution control board should display a copy of the clearance letter at the Regional Office, District Industry Centre and the Collector Office/ Tehsildar office for 30 days
- The environmental statement for each financial year ending 31st March in Form -V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986 as amended subsequently, shall also be put on the website of the company along with the status of compliance of environmental clearance conditions and shall also be sent to the Regional office of the MoEF&CC.
- Disposal of muck including excavated material, if any during construction phase should not create any adverse effects on the neighboring communities and be disposed of taking the necessary precautions for general safety and health aspects of public, only in approved sites with the approval of competent authority. The topsoil excavated during working activities should be stored for use in.
- Effective safeguard measures shall be taken to control particulate matter level so to ensure that these are within permissible limit.
- Effective safeguard measures, such as regular water sprinkling shall be carried out in critical areas prone to air pollution and having high levels of particulate matter such as loading and unloading point and all transfer points. Extensive water sprinkling shall be carried out on haul roads. It should be ensured that the Ambient Air Quality parameters conform to the norms prescribed by the Central Pollution Control Board in this regard.
- The project proponent shall undertake adequate safeguard measures during extraction of material and ensure that due to this activity the hydro-geological regime of surrounding areas shall not be affected. Regular monitoring of ground water level and quality shall be carried out around the mine lease area by establishing a network of existing wells and installing new piezometers during the mining operation.
- The project proponent shall obtain necessary prior permission from the competent authority for drawl of requisite quantity of water for the project.
- Vehicular emission shall be kept under control and regularly monitored. The mineral transportation shall be carried out through the covered trucks only and the vehicle carrying the mineral shall not be overloaded.
- Mineral handling area shall be provided with the adequate number of high efficiency dust extraction system. Loading and unloading areas including all the transfer points should also have efficient dust control arrangements. These should be properly maintained and operated.

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- Periodical medical examination of the workers engaged in the project shall be carried out and records maintained for the purpose. Schedule of health examination of the workers should be drawn and followed accordingly.
- No change in mining technology and scope of working should be made without prior approval of the MOEF&CC.
- No change in the calendar plan including excavation, quantum of mineral, Sand, Gravel Boulders (minor or mineral) and waste should be made.
- The DEIAA reserves the right to add additional safeguard measures subsequently, if found necessary, and to take action including revoking of the environment clearance under the provisions of the Environment (Protection) Act, 1986, to ensure effective implementation of the suggested safeguards and measures in a time bound and satisfactory manner.
- The project proponent may seek extension of validity period of Environmental clearance after the expiry of validity period of the EC as per provisions contained in EIA Notification, 2006 and subsequent amendment there under.
- The Environmental clearance shall be subject to the condition that the project proponent shall obtain prior grant order/ renewal of mining lease from the competent authority.
- The project proponent shall provide and maintain toilet tank, provide railing for balcony plantation provide chairs and boards provide RO purification etc. in school and primary Health centre under proposed CSR activities.
- The Project Proponent shall give an undertaking by way of affidavit to comply with all statutory requirements and judgment of Hon'ble Supreme Court Dated: 2nd August 2017 in Writ petition (Civil) No 114 of 2014 in the matter of Common Cause Vs Union of India & Ors before grant of ToR /EC. The undertaking inter-alia includes commitment of PP not to repeat any such violation in future.
- In case of violation of above undertaking, ToR/EC shall be liable to be terminated forthwith.
- The Environmental Clearance will not be Operational till such time the Project Proponent complies with all statutory requirements and judgment of Hon'ble Supreme Court Dated: 2nd August 2017 in Writ petition (Civil) No 114 of 2014 in the matter of Common Cause Vs Union of India & Ors
- The mining operation shall not commence till the entire compensation levied, if any, for illegal mining paid by the Project Proponent through their respective Department of Mining & Geology in strict compliance of judgment of Hon'ble Supreme

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Court Dated: 2nd August 2017 in Writ petition (Civil) No 114 of 2014 in the matter of Common Cause Vs Union of India & Ors

The aforesaid project proponent shall ensure the fulfillment of the above laid conditions. The DEAC shall monitor the adherence of the above laid conditions by the project proponent and shall apprise the DEIAA after every six months for continuation and discontinuation of Environmental Clearance.

No: ADCB/Reader/2018-19/ 3350-55

Dated: 13.02/2019


Divisional Forest Officer

~~Divisional Forest Officer~~

(Member / Non-Executive Director member DEIAA)
Baramulla


Assistant Commissioner Revenue
Baramulla
(Member Secretary DEIAA)


Deputy Commissioner Baramulla
(Chairman DMAA)

Copy to the:-

1. Divisional Forest Officer, JV, Division, Baramulla for inf
2. Assistant Commissioner, Rev Baramulla for inf
3. Executive Engineer Irrigation and Flood Control Baramulla (Chairman DEAC) for information
4. District Officer, Pollution Control Board, Baramulla.
5. District Mineral Officer Baramulla (Member Secretary DEAC) for information
6. M/S Kohinoor Gypsum Mining Project, Village Dachina-Salamabad Tehsil Uri District Baramulla for information and compliance.

Office of The
Deputy Commissioner Baramulla

Sub: - Grant of Environmental Clearance in favour of M/S Baba Chemicals Gypsum Mining Project, Village Dachina-Salamabad Tehsil Uri District Baramulla Area 04.39 Hectares

ORDER

On the basis of recommendations of District Expert Appraisal Committee (DEAC) conveyed vide its record note No:- I&FCDB/4356-60 Dated: 10.10.2018 and in view of decision taken by District Level Environment Impact Assessment Authority (DEIAA) in the meeting held on 08.11.2018, Environmental Clearance is hereby granted in favour of M/S Baba Chemicals Gypsum Mining Project located at Village Dachina-Salamabad Tehsil Uri District Baramulla, Subject to the following conditions.

- The lessee shall not operate any kind of machinery creating noise levels above 75 db (decibels)
- The project proponent shall obtain consent to operate from the J&K pollution Control Board and effectively implement all the conditions stipulated therein.
- Fugitive dust emission from all the sources should be controlled regularly. Water spraying arrangement on haul roads, loading and unloading and at transfer points should be provided and properly maintained.
- Personnel working in dusty areas should wear protective respiratory devices and they should also be provided with adequate training and information on safety and health aspects.
- Occupational health surveillance programme of the workers should be undertaken periodically to observe any contractions due to exposure to dust and take corrective measures if needed.
- The funds earmarked for environmental protection measures should be kept in separate account and should not be diverted for other purpose. Year wise expenditure should be reported to the MOEF&CC and its Regional office.
- A copy of the clearance letter shall be sent by the proponent to concerned Panchayat, Zilla Parishad Municipal Corporation, Urban Local body and the local NGO, if any, from whom suggestions/ representations, if any, were received while processing the proposal. The clearance letter shall also be put on the website of the company by title proponent.


Assistant Commissioner
(Gen) Baramulla.

- Periodical medical examination of the workers engaged in the project shall be carried out and records maintained for the purpose. Schedule of health examination of the workers should be drawn and followed accordingly.
- No change in mining technology and scope of working should be made without prior approval of the MOEF&CC.
- No change in the calendar plan including excavation, quantum of mineral, Sand, Gravel Boulders (minor or mineral) and waste should be made.
- The DEIAA reserves the right to add additional safeguard measures subsequently, if found necessary, and to take action including revoking of the environment clearance under the provisions of the Environment (Protection) Act, 1986, to ensure effective implementation of the suggested safeguards and measures in a time bound and satisfactory manner.
- The project proponent may seek extension of validity period of Environmental clearance after the expiry of validity period of the EC as per provisions contained in EIA Notification, 2006 and subsequent amendment there under.
- The Environmental clearance shall be subject to the condition that the project proponent shall obtain prior grant order/ renewal of mining lease from the competent authority.
- The project proponent shall provide and maintain toilet tank, provide railing for balcony plantation provide chairs and boards provide RO purification etc. in school and primary Health centre under proposed CSR activities.
- The Project Proponent shall give an undertaking by way of affidavit to comply with all statutory requirements and judgment of Hon'ble Supreme Court Dated: 2nd August 2017 in Writ petition (Civil) No 114 of 2014 in the matter of Common Cause Vs Union of India & Ors before grant of ToR /EC. The undertaking inter-alia includes commitment of PP not to repeat any such violation in future.
- In case of violation of above undertaking, ToR/EC shall be liable to be terminated forthwith.
- The Environmental Clearance will not be Operational till such time the Project Proponent complies with all statutory requirements and judgment of Hon'ble Supreme Court Dated: 2nd August 2017 in Writ petition (Civil) No 114 of 2014 in the matter of Common Cause Vs Union of India & Ors
- The mining operation shall not commence till the entire compensation levied, if any, for illegal mining paid by the Project Proponent through their


 Assistant Commissioner
 (R/o 1st Floor)

- The state pollution control board should display a copy of the clearance letter at the Regional Office, District Industry Centre and the Collector Office/ Tehsildar office for 30 days
- The environmental statement for each financial year ending 31st March in Form -V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986 as amended subsequently, shall also be put on the website of the company along with the status of compliance of environmental clearance conditions and shall also be sent to the Regional office of the MoEF&CC.
- Disposal of muck including excavated material, if any during construction phase should not create any adverse effects on the neighboring communities and be disposed of taking the necessary precautions for general safety and health aspects of public, only in approved sites with the approval of competent authority. The topsoil excavated during working activities should be stored for use in.
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- Effective safeguard measures, such as regular water sprinkling shall be carried out in critical areas prone to air pollution and having high levels of particulate matter such as loading and unloading point and all transfer points. Extensive water sprinkling shall be carried out on haul roads. It should be ensured that the Ambient Air Quality parameters conform to the norms prescribed by the Central Pollution Control Board in this regard.
- The project proponent shall undertake adequate safeguard measures during extraction of material and ensure that due to this activity the hydro-geological regime of surrounding areas shall not be affected. Regular monitoring of ground water level and quality shall be carried out around the mine lease area by establishing a network of existing wells and installing new piezometers during the mining operation.
- The project proponent shall obtain necessary prior permission from the competent authority for drawl of requisite quantity of water for the project.
- Vehicular emission shall be kept under control and regularly monitored. The mineral transportation shall be carried out through the covered trucks only and the vehicle carrying the mineral shall not be overloaded.
- Mineral handling area shall be provided with the adequate number of high efficiency dust extraction system. Loading and unloading areas including all the transfer points should also have efficient dust control arrangements. These should be properly maintained and operated.

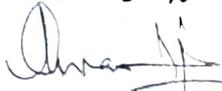

Assistant Commissioner
(Rev.) Baramak

respective Department of Mining & Geology in strict compliance of judgment of Hon'ble Supreme Court Dated: 2nd August 2017 in Writ petition (Civil) No 114 of 2014 in the matter of Common Cause Vs Union of India & Ors

The aforesaid project proponent shall ensure the fulfillment of the above laid conditions. The DEAC shall monitor the adherence of the above laid conditions by the project proponent and shall apprise the DEIAA after every six months for continuation and discontinuation of Environmental Clearance.

No: ADCB/Reader/2018-19/3344-49

Dated: 13/07/2019



Divisional Forest Officer

J. V. J. Forest Officer

(Member/Committee Expert member DEIAA)



Assistant Commissioner Revenue

Baramulla

(Member Secretary DEIAA)



Deputy Commissioner Baramulla
(Chairman DEIAA)

Copy to the:-

1. Assistant Commissioner Revenue, Baramulla (Member Secretary DEIAA) for information
2. Divisional Forest officer, J.V. Division Baramulla (Member DEIAA) for information
3. Executive Engineer Irrigation and Flood Control Baramulla (Chairman DEAC) for information
4. District Officer, Pollution Control Board, Baramulla.
5. District Mineral Officer Baramulla (Member Secretary DEAC) for information
6. M/S Baba Chemicals Gypsum Mining Project, Village Dachina-Salamabad Tehsil Uri District Baramulla for information and compliance.

Deputy Commissioner Baramulla

Sub: Grant of Environmental Clearance in favour of M/S TOWER
CHEMICALES GYPSUM MINING PROJECT, AREA 4.0128 HEC. AT
VILLAGE BEGNA TEHSIL BONIYAR DISTRICT BARAMULLA.

ORDER

On the basis of recommendations of District Expert Appraisal Committee (DEAC) conveyed vide its record note No:- ISFCDB/4985-89 Dated:28.11.2018 and in view of decision taken by District Level Environment Impact Assessment Authority (DEIAA) in the meeting held on 28.11.2018. Environmental Clearance is hereby granted in favour of M/S Tower Chemicals Gypsum Mining Project located at Village Begna-Salamabad Tehsil Uri District Baramulla, Subject to the following conditions.

- The lessee shall not operate any kind of machinery creating noise levels above 75 db (decibels)
- The project proponent shall obtain consent to operate from the J&K pollution Control Board and effectively implement all the conditions stipulated therein.
- Fugitive dust emission from all the sources should be controlled regularly. Water spraying arrangement on haul roads, loading and unloading and at transfer points should be provided and properly maintained.
- Personnel working in dusty areas should wear protective respiratory devices and they should also be provided with adequate training and information on safety and health aspects.
- Occupational health surveillance programme of the workers should be undertaken periodically to observe any contractions due to exposure to dust and take corrective measures if needed.
- The funds earmarked for environmental protection measures should be kept in separate account and should not be diverted for other purpose. Year wise expenditure should be reported to the MOEF&CC and its Regional office.
- A copy of the clearance letter shall be sent by the proponent to concerned Panchayat, Zilla Parishad Municipal Corporation, Urban Local body and the local NGO, if any, from whom suggestions/ representations, if any, were received while processing the proposal. The clearance letter shall also be put on the website of the company by title proponent.

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- The state pollution control board should display a copy of the clearance letter at the Regional Office, District Industry Centre and the Collector Office/ Tehsildar office for 30 days
- The environmental statement for each financial year ending 31st March in Form -V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986 as amended subsequently, shall also be put on the website of the company along with the status of compliance of environmental clearance conditions and shall also be sent to the Regional office of the MoEF&CC.
- Disposal of muck including excavated material, if any during construction phase should not create any adverse effects on the neighboring communities and be disposed of taking the necessary precautions for general safety and health aspects of public, only in approved sites with the approval of competent authority. The topsoil excavated during working activities should be stored for use in.
- Effective safeguard measures shall be taken to control particulate matter level so to ensure that these are within permissible limit.
- Effective safeguard measures, such as regular water sprinkling shall be carried out in critical areas prone to air pollution and having high levels of particulate matter such as loading and unloading point and all transfer points. Extensive water sprinkling shall be carried out on haul roads. It should be ensured that the Ambient Air Quality parameters conform to the norms prescribed by the Central Pollution Control Board in this regard.
- The project proponent shall undertake adequate safeguard measures during extraction of material and ensure that due to this activity the hydro-geological regime of surrounding areas shall not be affected. Regular monitoring of ground water level and quality shall be carried out around the mine lease area by establishing a network of existing wells and installing new piezometers during the mining operation.
- The project proponent shall obtain necessary prior permission from the competent authority for drawl of requisite quantity of water for the project.
- Vehicular emission shall be kept under control and regularly monitored. The mineral transportation shall be carried out through the covered trucks only and the vehicle carrying the mineral shall not be overloaded.
- Mineral handling area shall be provided with the adequate number of high efficiency dust extraction system. Loading and unloading areas including all the transfer points should also have efficient dust control arrangements. These should be properly maintained and operated.



- Periodical medical examination of the workers engaged in the project shall be carried out and records maintained for the purpose. Schedule of health examination of the workers should be drawn and followed accordingly.
- No change in mining technology and scope of working should be made without prior approval of the MOEF&CC.
- No change in the calendar plan including excavation, quantum of mineral, Sand, Gravel Boulders (minor or mineral) and waste should be made.
- The DEIAA reserves the right to add additional safeguard measures subsequently, if found necessary, and to take action including revoking of the environment clearance under the provisions of the Environment (Protection) Act, 1986, to ensure effective implementation of the suggested safeguards and measures in a time bound and satisfactory manner.
- The project proponent may seek extension of validity period of Environmental clearance after the expiry of validity period of the EC as per provisions contained in EIA Notification, 2006 and subsequent amendment there under.
- The Environmental clearance shall be subject to the condition that the project proponent shall obtain prior grant order/ renewal of mining lease from the competent authority.
- The project proponent shall provide and maintain toilet tank, provide railing for balcony plantation provide chairs and boards provide RO purification etc. in school and primary Health centre under proposed CSR activities.
- The Project Proponent shall give an undertaking by way of affidavit to comply with all statutory requirements and judgment of Hon'ble Supreme Court Dated: 2nd August 2017 in Writ petition (Civil) No 114 of 2014 in the matter of Common Cause Vs Union of India & Ors before grant of ToR /EC. The undertaking inter-alia includes commitment of PP not to repeat any such violation in future.
- In case of violation of above undertaking, ToR/EC shall be liable to be terminated forthwith.
- The Environmental Clearance will not be Operational till such time the Project Proponent complies with all statutory requirements and judgment of Hon'ble Supreme Court Dated: 2nd August 2017 in Writ petition (Civil) No 114 of 2014 in the matter of Common Cause Vs Union of India & Ors
- The mining operation shall not commence till the entire compensation levied, if any, for illegal mining paid by the Project Proponent through their respective Department of Mining & Geology in strict compliance of judgment of Hon'ble Supreme

Court Dated: 2nd August 2017 in Writ petition (Civil) No 114 of 2014 in the matter of Common Cause Vs Union of India & Ors

The aforesaid project proponent shall ensure the fulfillment of the above laid conditions. The DEAC shall monitor the adherence of the above laid conditions by the project proponent and shall apprise the DEIAA after every six months for continuation and discontinuation of Environmental Clearance.

No: ADCB/Reader/2018-19/3381-84

Dated: 19/07/2019.

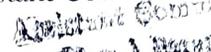

Divisional Forest Officer


Member Nominated Expert

(Member Nominated Expert member DEIAA)

Baramulla


Assistant Commissioner Revenue


Member Secretary DEIAA

(Member Secretary DEIAA)


Deputy Commissioner Baramulla


(Chairman DEIAA)

Baramulla

Copy to the:-

1. Executive Engineer Irrigation and Flood Control Baramulla (Chairman DEAC) for information
2. District Officer, Pollution Control Board, Baramulla.
3. District Mineral Officer Baramulla (Member Secretary DEAC) for information
4. M/S Tower Chemicals Gypsum Mining Project, Village Dachina-Salamabad Tehsil Uri District Baramulla for information and compliance.

Deputy Commissioner Baramulla

Sub: - Grant of Environmental Clearance in favour of M/S NEELUM VALLEY GYPSUM MINING PROJECT, AREA 4.67 HEC. AT VILLAGE DECHNA SALAMABAD TEHSIL BONIYAR DISTRICT BRAMULLA.

ORDER

On the basis of recommendations of District Expert Appraisal Committee (DEAC) conveyed vide its record note No:- IFCDB/4916-20 Dated:28.11.2018 and in view of decision taken by District Level Environment Impact Assessment Authority (DEIAA) in the meeting held on 28.11.2018, Environmental Clearance is hereby granted in favour of M/S Neelum Valley Gypsum Mining Project located at Village Dachina-Salamabad Tehsil Uri District Baramulla, Subject to the following conditions.

- The lessee shall not operate any kind of machinery creating noise levels above 75 db (decibels)
- The project proponent shall obtain consent to operate from the J&K pollution Control Board and effectively implement all the conditions stipulated therein.
- Fugitive dust emission from all the sources should be controlled regularly. Water spraying arrangement on haul roads, loading and unloading and at transfer points should be provided and properly maintained.
- Personnel working in dusty areas should wear protective respiratory devices and they should also be provided with adequate training and information on safety and health aspects.
- Occupational health surveillance programme of the workers should be undertaken periodically to observe any contractions due to exposure to dust and take corrective measures if needed.
- The funds earmarked for environmental protection measures should be kept in separate account and should not be diverted for other purpose. Year wise expenditure should be reported to the MOEF&CC and its Regional office.
- A copy of the clearance letter shall be sent by the proponent to concerned Panchayat, Zilla Parishad Municipal Corporation, Urban Local body and the local NGO, if any, from whom suggestions/ representations, if any, were received while processing the proposal. The clearance letter shall also be put on the website of the company by title proponent.



- The state pollution control board should display a copy of the clearance letter at the Regional Office, District Industry Centre and the Collector Office/ Tehsildar office for 30 days
- The environmental statement for each financial year ending 31st March in Form -V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986 as amended subsequently, shall also be put on the website of the company along with the status of compliance of environmental clearance conditions and shall also be sent to the Regional office of the MoEF&CC.
- Disposal of muck including excavated material, if any during construction phase should not create any adverse effects on the neighboring communities and be disposed of taking the necessary precautions for general safety and health aspects of public, only in approved sites with the approval of competent authority. The topsoil excavated during working activities should be stored for use in.
- Effective safeguard measures shall be taken to control particulate matter level so to ensure that these are within permissible limit.
- Effective safeguard measures, such as regular water sprinkling shall be carried out in critical areas prone to air pollution and having high levels of particulate matter such as loading and unloading point and all transfer points. Extensive water sprinkling shall be carried out on haul roads. It should be ensured that the Ambient Air Quality parameters conform to the norms prescribed by the Central Pollution Control Board in this regard.
- The project proponent shall undertake adequate safeguard measures during extraction of material and ensure that due to this activity the hydro-geological regime of surrounding areas shall not be affected. Regular monitoring of ground water level and quality shall be carried out around the mine lease area by establishing a network of existing wells and installing new piezometers during the mining operation.
- The project proponent shall obtain necessary prior permission from the competent authority for drawl of requisite quantity of water for the project.
- Vehicular emission shall be kept under control and regularly monitored. The mineral transportation shall be carried out through the covered trucks only and the vehicle carrying the mineral shall not be overloaded.
- Mineral handling area shall be provided with the adequate number of high efficiency dust extraction system. Loading and unloading areas including all the transfer points should also have efficient dust control arrangements. These should be properly maintained and operated.

4

- The state pollution control board should display a copy of the clearance letter at the Regional Office, District Industry Centre and the Collector Office/ Tehsildar office for 30 days
- The environmental statement for each financial year ending 31st March in Form -V as is mandated to be submitted by the project proponent to the concerned State Pollution Control Board as prescribed under the Environment (Protection) Rules, 1986 as amended subsequently, shall also be put on the website of the company along with the status of compliance of environmental clearance conditions and shall also be sent to the Regional office of the MoEF&CC.
- Disposal of muck including excavated material, if any during construction phase should not create any adverse effects on the neighboring communities and be disposed of taking the necessary precautions for general safety and health aspects of public, only in approved sites with the approval of competent authority. The topsoil excavated during working activities should be stored for use in.
- Effective safeguard measures shall be taken to control particulate matter level so to ensure that these are within permissible limit.
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- Mineral handling area shall be provided with the adequate number of high efficiency dust extraction system. Loading and unloading areas including all the transfer points should also have efficient dust control arrangements. These should be properly maintained and operated.

4

Court Dated: 2nd August 2017 in Writ petition (Civil) No 114 of 2014 in the matter of Common Cause Vs Union of India & Ors

The aforesaid project proponent shall ensure the fulfillment of the above laid conditions. The DEAC shall monitor the adherence of the above laid conditions by the project proponent and shall apprise the DEIAA after every six months for continuation and discontinuation of Environmental Clearance.

No: ADCB/Reader/2018-19/3306-91

Dated: 19/02/2019



Divisional Forest Officer

JV Division Baramulla

Forest Division

Baramulla

(Member/Nominated Expert member DEIAA)



Assistant Commissioner Revenue

Baramulla

(Member Secretary DEIAA)



Deputy Commissioner Baramulla

(Chairman DEIAA)

Copy to the:-

1. Divisional Forest Officer, JV, Division, Baramulla for inf
2. Assistant Commissioner, Rev Baramulla for inf
3. Executive Engineer Irrigation and Flood Control Baramulla (Chairman DEAC) for information & n/a
4. District Officer, Pollution Control Board, Baramulla for inf & n/a.
5. District Mineral Officer Baramulla (Member Secretary DEAC) for information & n/a
6. M/S Kohinoor Gypsum Mining Project, Village Dachina-Salamabad Tehsil Uri District Baramulla for information and compliance.



Government of Jammu & Kashmir

OFFICE OF THE DEPUTY COMMISSIONER, BARAMULLA

Subject: On-spot physical verification of Mining Sites in Tehsil Uri & Boniyar -Decisions thereof.

ADVISORY

Whereas, various complaints were lodged before Deputy Commissioner, Baramulla through a number of platforms by the villagers living in the vicinity of the mining areas at Bijhama, Niloosa, Gingle, Dara Gutliyan, Bagna Salamabad etc. reflecting adverse impacts of mining in their respective areas.

Whereas, a committee was constituted under the Chairmanship of Addl. Deputy Commissioner, Baramulla with the mandate to scrutinize the complaints after taking into consideration all the aspects of mining in these areas.

Whereas, the committee visited the spot on 16.07.2020 to take stock of ground situation and to hear grievance of the general public.

Whereas, the committee held a detailed interaction both with the general public as well as with the public representatives.

Whereas, the following grievances of grave nature were brought into the notice of the committee on spot:

- *That there are no safety measures adopted which could prevent the emission of dust at mining sites.*
- *That heavy rush of vehicles, dumpers, tippers and other machinery on Kacha road has caused huge damage to the roads.*
- *That huge influx of mining waste in adjoining fresh water/ semi-dry Naliahs has affected adversely their natural course as well as the water quality downstream.*
- *That intense resentment was shown against persistent operation of stone breakers causing noise and air pollution in adjoining areas.*
- *That temporary dumping of mine material alongside the road has deteriorated the road conditions, in addition to creating inconvenience to transport plying on these narrow roads.*
- *That stationing of heavy vehicles in Mohallas & villages enroute to mining sites has intruded into the ethical values of these primitive societies.*
- *That residential houses and other structures alongside these road banks developed cracks due to rush of heavy vehicles.*
- *That the delicate ecology viz. flora & fauna, springs, reservoirs, drinking water streams, grazing grounds have suffered adversely due to unchecked mining.*

➤ That the increased incidences of respiratory ailments has widely risked the lives of the people.

➤ That natural and manmade facilities like Reservoirs, pipelines, irrigation canals have got severely affected.

Whereas, the committee acted on the mandate entrusted to them and furnished its report with a number of proposed preventive measures.

Now therefore with due consideration of the recommendations made by the committee and to redress the genuine grievances of the general public, it is hereby advised as:

1. Massive compensatory afforestation programme by way of plantation social / community forestry shall be taken into hand so that natural vegetation cover is replenished and soil erosion is prevented further.
2. The road surface shall be maintained by way of earth cutting, widening, grading, leveling, macadamization etc. by the lessees.
3. The movement of heavy vehicles / trucks/ dumpers shall be stopped and material needs to be transported by small vehicles for which unemployed local youth shall be encouraged to participate.
4. Basic amenities like drinking water facilities both for villagers and animals & birds and development activities in the affected areas shall be taken up by lessees under Corporate Social Responsibility component.
5. A continuous audit of the road surface shall be carried out by District Mineral Officer, Baramulla and the report to the District Magistrate shall be submitted fortnightly.
6. Operation of Rock Cutters be regulated so that duration of noise pollution is minimized. They can be allowed to operate only during a particular period of time ranging from 02 to 06 hours during day time only. Rest of the extraction, if required, shall be done manually.

7. Material from mines shall be transported by small vehicles upto the dumping sites chosen somewhere alongside the Baramulla-Uri National Highway with due permission of District Magistrate, wherefrom the material can be transported through heavy duty vehicles
8. Vehicles which remain stationed in the Mohallas and villages enroute and around the mining sites dilute the fragile sanctity of these villages shall be displaced.
9. The above measures shall be put in place by every lessee within a period of one month.
10. Implementation of the decisions taken along with further mining operations shall be regularly monitored and reported by a committee at

District level comprising of following officers headed by Addl. Deputy Commissioner, Baramulla:

- I. Sub Divisional Magistrate Uri.**
- II. Assistant Commissioner Dev. Baramulla.**
- III. District Mineral Officer Baramulla**
- IV. Accounts Officer, DC Office Baramulla**
- V. District Officer Pollution Control Board Baramulla**

11. A Ground Level Committee comprising of following members

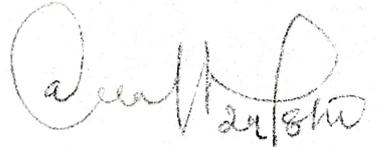
- a. **District Mineral Officer Baramulla.**
- b. **Tehsildar Boniyar.**
- c. **SHO Bijhama**

shall be responsible to implement the measures on ground / local level.

12. A clearance report from the Ground Level Committee headed by District Mineral Officer Baramulla shall be submitted to the District Magistrate through District Level Committee.

3. District Mineral Officer, Baramulla shall submit **Fortnightly Road Audit Report to District Magistrate.**

No: DCB/Mining/2020/327-36
Dated: 24/08/2020


District Magistrate,
Baramulla

Copy to the:

1. Director Geology & Mining, J&K.
2. Sr. Superintendent of Police Baramulla.
3. Addl. Deputy Commissioner, Baramulla.
4. Joint Director Planning, Baramulla.
5. Sub Divisional Magistrate Uri.
6. Assistant Commissioner Dev., Baramulla.
7. District Officer Pollution Control Board Baramulla
8. Tehsildar Boniyar.
9. Accounts Officer, I/O Deputy Commissioner, Baramulla
10. District Mineral Officer, Baramulla.

..... for information.

OFFICE OF THE DEPUTY COMMISSIONER, BARAMULLA**(Email: sqsectionbaramulla@gmail.com Fax: 01952234005)**

Subject:- Judgment dated 03.06.2022 passed by the Hon'ble Supreme Court of India in IA No. 1000 of 2003 and allied IAs in WP © 202 of 1995 titled T.N. Godaverman Thirmuplad VS Union of India and others.

ORDER

Whereas a communication vide No. WLW(N)/Estt/2022-23/391-402 Dated 30.06.2022 was received from the office of the Wildlife Warden North Division Sopore with a list of 12 mining units falling in the vicinity of Lachipora Wildlife Sanctuary.

Whereas it is stated in the said communication that these mining units fall in the Eco Sensitive Zone Lachipora Wildlife Sanctuary.

Whereas the communication refers to the Hon'ble Supreme Court judgment dated 03.06.2022 wherein it has been directed that each protected forest i.e, National park or Wildlife Sanctuary must have an Eco Sensitive Zone of minimum 01 KM measured from the demarcated boundary of such protected forest.

Whereas in light of the above quoted judgment from Hon'ble Supreme Court it has been requested that necessary action may be taken with respect to these mining units.

In view of the above, a team of following officers is hereby constituted to ascertain whether the mining units mentioned in the above referred communication operate within or outside of the Eco Sensitive Zone.

- | | |
|--|-----------------|
| 1. Sub Divisional Magistrate Uri | Chairman |
| 2. Divisional Forest Officer Concerned | Member |
| 3. Wild Life Warden North Division | Member |
| 4. District Officer Geology and Mining | Member |
| 5. District Officer Pollution Control Committee | Member |
| 6. Tehsildar Concerned | Member |
| 7. District Law Officer | Member |

The team shall submit its report within one week so that appropriate necessary action in accordance with the Hon'ble Supreme Court Judgment is taken.

Sd/-
Deputy Commissioner,
Baramulla.

No.:-DCB/SQ/1640-46

Dated:-26/07/2022.

Copy to the:-



Government of Jammu & Kashmir
OFFICE OF THE SUB DIVISIONAL MAGISTRATE, URI.

**The Deputy Commissioner,
Baramulla**

Subject : Judgment dated 03.06.2022 passed by the Hon'ble Supreme Court of India in IA No. 1000 of 2013 and allied IAs in WP(C) 202 of 1995 titled T.N. Godavarman Thirumulpad VS Union of India and others.

Reference : 1. Deputy Commissioner, Baramulla Order No. DCB/SQ/1640-46 dated 26.07.2022.

Madam,

Kindly find enclosed report of the committee constituted vide order referred above consisting of 08 leafs and 17 Annexure for further course of action at your end please.

Yours Faithfully


**Harvinder Singh, IAS
Sub Divisional Magistrate
Uri**

No: SDM/Uri/22/1317

Dated: 13 -09-2022



حکومت جموں و کشمیر
साम्येव जयते

Government of Jammu & Kashmir

Office of the Sub Divisional Magistrate, Uri (Baramulla)

Email: sdmuri.jk@gmail.com

Phone No: 01956-244040

Report

Subject : Judgement dated 03.06.2022 passed by the Hon'ble Supreme Court of India in IA No. 1000 of 2013 and allied IAs in WP(C) 202 of 1995 titled T.N. Godavarman Thirumulpad VS Union of India and others.

Reference : 1. Deputy Commissioner, Baramulla's Order No. DCB/SQ/1640-46 dated 26.07.2022.

I. INTRODUCTION

A communication vide no. WLW(N)/Estt/2022-23/391-402 dated 30.06.2022 (Annexure-I) addressed to Deputy Commissioner Baramulla was received from the office of Wildlife Warden North Division Sopore with a list of 12 Mining Units falling in the vicinity of Lachipora Wildlife Sanctuary. It was further stated that since all these 12 Mining units fall within 1 kilometer of Lachipora wildlife Sanctuary which has been declared as Eco-Sensitive Zone in the Hon'ble Supreme Court's judgement dated 03.06.2022 in T.N. Godavarman Thirumulpad vs Union of India & others (Annexure-II), the same be closed down. Reason behind such closing down request hasn't been explained in the said letter but a mention of Guidelines of 9th of February 2011 has been made in the said letter.

Consequent to such letter, an Order vide DCB/SQ/1640-46 dated 26.07.2022 (Annexure-III) was passed by the Office of Deputy Commissioner, Baramulla wherein a committee of 7 officials with Sub Divisional Magistrate, Uri as the Chairman was framed to ascertain "whether the mining units mentioned in the above referred communication operate within or outside of the Eco Sensitive Zone"

II. LACHIPORA WILDLIFE SANCTUARY

Lachipora Wildlife Sanctuary was, for the first time, notified in the year 1987 vide SRO No. 150 dated 19.03.1987 (Annexure-IV) with a total notified area of 80 square kilometers and having 70.09 kilometers long perimeter. But it took over 20 years for Wildlife Department to formally takeover this Lachipora Wildlife Sanctuary from Forest department vide letter dated 25.08.2007 (Annexure-V). Later, vide SRO No. 425 dated 18.12.2007, Kazinag National Park was carved out from the existing Lachipora Wildlife Sanctuary thereby reducing the overall area of Lachipora Wildlife Sanctuary to 27.77 sq Kilometers. It is worthwhile to mention that No protected area under Lachipora Wildlife Sanctuary were denotified and the only development was that about 52.23 sq Kilometers originally notified under Lachipora WS was now merged with the newly created Kazinag National Park.

(Handwritten signatures and initials on the left margin)

III. ECO SENSITIVE ZONE OF LACHIPORA WILDLIFE SANCTUARY

A communication titled "Guidelines for Declaration of Eco-Sensitive Zones (ESZ) around National Parks and Wildlife Sanctuaries" (Annexure-VI) which is also mentioned in Hon'ble Supreme Court's Judgement and the Wildlife Warden's letter to Deputy Commissioner highlights that the purpose of declaring Eco-Sensitive Zones around NPs and Sanctuaries was to create some kind of "Shock Absorbers / Transition Zones" for the protected areas and that activities in such ESZs would be of a regulatory nature rather than being prohibitive. *An indicative list provided as Annexure-1 to such guidelines places "Commercial Mining" Activities as "Prohibited" within Eco-Sensitive Zones.*

A notification of Ministry of Environment, Forest and Climate Change was issued vide S.O. 1330(E) dated 25.03.2022 (Annexure-VII) wherein Extent and Boundaries of Eco-Sensitive Zone around Lachipora Wildlife Sanctuary was notified. The extent of such ESZ kept on varying from 0 KM to 5 KM at various locations in different directions due to actual Line of Control and also due to human settlements. The boundary and map of such ESZ for Lachipora Wildlife Sanctuary can be seen on Page Nos 16, 24, 32, 33, 34, 40, 41 and 42 of the said notification. *Further, again under Rule 4 on Page No. 28 of said notification, "Commercial Mining" Activities were "Prohibited" within this Eco-Sensitive Zone.*

The Hon'ble Supreme Court's judgement dated 03.06.2022 (Annexure-II) further modifies this extent of Eco Sensitive Zone for all Protected areas including Lachipora Wildlife Sanctuary. The lower limit of 0 (Zero) KM at places for Eco Sensitive zone around the Lachipora Wildlife Sanctuary adopted by the Notification no. S.O. 1330(E) dated 25.03.2022 has now been replaced by "minimum 1 (One) Kilometer" measured from the demarcated boundary of such protected forest. *Some maps in this regard showing minimum extent of 1 KM Eco-Sensitive Zone around Lachipora Wildlife Sanctuary have been made with the help of Photo Interpretation division of J&K Forest Department and are annexed as Annexure-VIII.*

IV. PROCEDURE ADOPTED:

(a) Acting upon directions to the constituted Committee to ascertain whether the mining units mentioned in the above referred communication (12 Mines) operate within or outside of the Eco Sensitive Zone, a meeting of all committee members was held in Panchayat Ghar Noorkhah on 18.08.2022 in presence of elected representatives of the area.

(b) Preliminary Case to case study of each Gypsum Mine through the Google Maps highlighted the need to carry out ground verification of each such Gypsum Mine in the vicinity of Lachipora Wildlife Sanctuary. Thereafter, each Gypsum Mine location was visited and ground verified Geo Coordinates of the Leased out Gypsum Mines at the sites of excavation were recorded in presence of the Lease Holders/authorized representatives.

(c) In addition to that, Geo-coordinates mentioned in the Gypsum Lease documents/records of District Mineral officer, Baramulla (who also happens to be a Committee Member) were also obtained by the committee (Annexure-IX).

(d) All these Geo-coordinates were then superimposed on the Hi-Resolution Satellite Imagery through Photo Interpretation Division of Forest Department with respect to the identified boundaries of the Protected areas of Kazinag National Park, Limber Wildlife sanctuary and

Lachipora Wildlife Sanctuary along with the minimum 1 KM Eco-Sensitive Zone of these Protected areas in light of the Hon'ble Supreme Court's Judgement.

- (e) A joint meeting of Committee members and Gypsum Mine Lease Holders was then convened vide SDM/Uri/22/1132-33 dated 29.08.2022 on 30.08.2022 at Uri to seek objections / representations from each Gypsum Lease Holders.
- (f) Upon receipt of atleast four (04) individual/joint objections from the Gypsum Lease Holders (Attached as Annexures - X, XI, XII & XIII), the same were put to scrutiny. Some valid points were raised in those and reply was called for from Wildlife Warden (North), who also happens to be a Committee Member, to explain the nature of NOCs given by Wildlife department. Reply of Wildlife Warden has been annexed as Annexure-XIV.
- (g) Further when the committee met to finalise the report, need was felt to inspect the boundary of Protected Area under wildlife deptt on ground and see whether the Wildlife department has installed boundary pillars as per their map as notified and shared with Committee.

V. FINDINGS

1. On 02.09.2022, the committee members visited the protected area in the vicinity of the Gypsum Mines under consideration to locate the boundary pillars if any. No boundary pillars or fencing could be found at any place. The Committee decided to go as per the geocoordinates & maps notified for the said protected area and the geocoordinates of Leased Mines to arrive at the findings of this Enquiry.
2. The Photo Interpretation Division of Forest Department formulated and provided geo coordinated satellite maps depicting the extent of both the Protected Area as well as Eco-Sensitive Zones of Kazinag National Park, Limber Wildlife Sanctuary and Lachipora Wildlife Sanctuary. The same were made the basis of this report.
3. Geo-coordinates of each Gypsum Mine obtained both physically and officially communicated by DMO Baramulla were superimposed on the Hi-Resolution Satellite Imagery by Photo Interpretation Division of Forest Department with respect to the notified boundaries of the Protected areas of Kazinag National Park, Limber Wildlife sanctuary and Lachipora Wildlife Sanctuary. The same were found to be conterminous and most of the Mines were found to be falling within the minimum 1 KM radial buffer declared Eco-Sensitive Zone of these Protected areas by the orders of Hon'ble Supreme Court's in its 03.06.2022 Judgement. Details of which are as under:

1. RAZ CHEMICALS, NALOOSA (ABCD)			
CORNER Point	Latitude	Longitude	Whether Within Protected Area / ESZ or outside
A	34° 9'27.54"N	74° 6'6.49"E	Falls WITHIN ESZ as per SC Judgement
B	34° 9'30.48"N	74° 5'59.96"E	Falls WITHIN ESZ as per SC Judgement
C	34° 9'33.90"N	74° 6'4.14"E	Falls WITHIN ESZ as per SC Judgement
D	34° 9'30.95"N	74° 6'10.66"E	Falls WITHIN ESZ as per SC Judgement
2. SNOW WHITE, NALOOSA (ABCDE)			
A	34° 9'32.91"N	74° 5'57.11"E	Falls WITHIN ESZ as per SC Judgement
B	34° 9'39.05"N	74° 5'52.80"E	Falls WITHIN ESZ as per SC Judgement
C	34° 9'38.47"N	74° 6'1.75"E	Falls WITHIN ESZ as per SC Judgement

D	34° 9'33.90"N	74° 6'4.14"E	Falls WITHIN ESZ as per SC Judgement
E	34° 9'31.18"N	74° 6'0.46"E	Falls WITHIN ESZ as per SC Judgement
3. PEER PANJAL IND., NALOOSA (CDQF'G)			
C	34° 9'23.61"N	74° 6'10.98"E	Falls WITHIN ESZ as per SC Judgement
D	34° 9'25.61"N	74° 6'23.92"E	Falls WITHIN Protected Area as per Notification
Q	34° 9'29.09"N	74° 6'23.37"E	Falls WITHIN Protected Area as per Notification
F'	34° 9'31.34"N	74° 6'19.84"E	Falls WITHIN Protected Area as per Notification
G	34° 9'27.64"N	74° 6'11.64"E	Falls WITHIN ESZ as per SC Judgement
4. KHYBER INDUSTRIES, JABADOR BIJHAMA (ABCD)			
A	34° 9'20.86"N	74° 5'36.65"E	Falls WITHIN ESZ as per SC Judgement
B	34° 9'17.51"N	74° 5'40.04"E	Falls WITHIN ESZ as per SC Judgement
C	34° 9'14.61"N	74° 5'33.62"E	Falls WITHIN Protected Area as per Notification
D	34° 9'16.22"N	74° 5'30.59"E	Falls WITHIN Protected Area as per Notification
5. NOOR MOHAMMAD TRUMBOO, ZAMBOOR PATAN (MNPX')			
M	34° 9'14.60"N	74° 2'38.15"E	Falls WITHIN ESZ as per SC Judgement
N	34° 9'18.36"N	74° 2'39.40"E	Falls WITHIN ESZ as per SC Judgement
P	34° 9'16.42"N	74° 2'33.35"E	Falls WITHIN ESZ as per SC Judgement
X'	34° 9'20.17"N	74° 2'34.60"E	Falls WITHIN ESZ as per SC Judgement
6. GEE EMM INDUSTRIES, BAGNA (A'B'C'D'F'G'HI)			
F'	34° 9'31.43"N	74° 7'7.18"E	Falls WITHIN Protected Area as per Notification
A'	34° 9'29.57"N	74° 7'1.40"E	Falls WITHIN Protected Area as per Notification
B'	34° 9'30.81"N	74° 6'58.66"E	Falls WITHIN Protected Area as per Notification
C'	34° 9'33.25"N	74° 6'56.53"E	Falls WITHIN Protected Area as per Notification
D'	34° 9'31.48"N	74° 6'54.89"E	Falls WITHIN Protected Area as per Notification
G'	34° 9'27.56"N	74° 7'9.20"E	Falls WITHIN Protected Area as per Notification
H	34° 9'24.89"N	74° 6'55.83"E	Falls WITHIN Protected Area as per Notification
I	34° 9'29.60"N	74° 6'53.71"E	Falls WITHIN Protected Area as per Notification
7. NEW SIGMA INDUSTRIES, BAGNA (01234567ABCD)			
0	34° 9'40.21"N	74° 7'7.15"E	Falls WITHIN ESZ as per SC Judgement
1	34° 9'37.61"N	74° 7'3.61"E	Falls WITHIN ESZ as per SC Judgement
2	34° 9'37.19"N	74° 7'2.26"E	Falls WITHIN ESZ as per SC Judgement
3	34° 9'35.13"N	74° 7'1.43"E	Falls WITHIN Protected Area as per Notification
4	34° 9'31.35"N	74° 7'3.29"E	Falls WITHIN Protected Area as per Notification
5	34° 9'31.38"N	74° 7'8.25"E	Falls WITHIN ESZ as per SC Judgement
6	34° 9'32.82"N	74° 7'8.86"E	Falls WITHIN ESZ as per SC Judgement

7	34° 9'36.26"N	74° 7'8.82"E	Falls WITHIN ESZ as per SC Judgement
A	34° 9'33.79"N	74° 7'3.78"E	Falls WITHIN Protected Area as per Notification
B	34° 9'34.52"N	74° 7'0.78"E	Falls WITHIN Protected Area as per Notification
C	34° 9'31.49"N	74° 6'57.77"E	Falls WITHIN Protected Area as per Notification
D	34° 9'29.57"N	74° 7'1.40"E	Falls WITHIN Protected Area as per Notification

8. TOWER CHEMICALS, BAGNA (ABCDEFGH)

A	34° 9'40.50"N	74° 7'7.03"E	Falls WITHIN ESZ as per SC Judgement
B	34° 9'38.60"N	74° 7'4.52"E	Falls WITHIN ESZ as per SC Judgement
C	34° 9'38.06"N	74° 7'1.51"E	Falls WITHIN ESZ as per SC Judgement
D	34° 9'38.31"N	74° 6'59.89"E	Falls WITHIN ESZ as per SC Judgement
E	34° 9'43.51"N	74° 6'58.96"E	Falls WITHIN ESZ as per SC Judgement
F	34° 9'46.59"N	74° 6'59.25"E	Falls WITHIN ESZ as per SC Judgement
G	34° 9'47.53"N	74° 7'1.52"E	Falls WITHIN ESZ as per SC Judgement
H	34° 9'47.46"N	74° 7'2.61"E	Falls WITHIN ESZ as per SC Judgement

9. KOHINOOR GYPSUM, BAGNA (ABCDEX1X2X3X4FGHI)

A	34° 9'48.77"N	74° 7'1.23"E	Falls WITHIN ESZ as per SC Judgement
B	34° 9'50.46"N	74° 7'2.40"E	Falls WITHIN ESZ as per SC Judgement
C	34° 9'51.92"N	74° 7'2.40"E	Falls WITHIN ESZ as per SC Judgement
D	34° 9'52.03"N	74° 7'6.30"E	Falls WITHIN ESZ as per SC Judgement
E	34° 9'47.42"N	74° 7'6.60"E	Falls WITHIN ESZ as per SC Judgement
X1	34° 9'47.11"N	74° 7'2.91"E	Falls WITHIN ESZ as per SC Judgement
X2	34° 9'47.48"N	74° 7'2.68"E	Falls WITHIN ESZ as per SC Judgement
X3	34° 9'47.56"N	74° 7'1.58"E	Falls WITHIN ESZ as per SC Judgement
X4	34° 9'46.85"N	74° 6'59.79"E	Falls WITHIN ESZ as per SC Judgement
F	34° 9'46.45"N	74° 6'55.25"E	Falls WITHIN ESZ as per SC Judgement
G	34° 9'52.05"N	74° 6'51.95"E	Falls WITHIN ESZ as per SC Judgement
H	34° 9'52.05"N	74° 6'57.95"E	Falls WITHIN ESZ as per SC Judgement
I	34° 9'50.65"N	74° 6'58.78"E	Falls WITHIN ESZ as per SC Judgement

10. BABA CHEMICALS, SALAMABAD (CtR1R2R3R4R5R6'R7')

Ct	34° 9'40.09"N	74° 7'48.15"E	Falls WITHIN ESZ as per SC Judgement
R1	34° 9'40.39"N	74° 7'48.76"E	Falls WITHIN ESZ as per SC Judgement
R2	34° 9'41.93"N	74° 7'47.70"E	Falls WITHIN ESZ as per SC Judgement
R3	34° 9'41.11"N	74° 7'45.23"E	Falls WITHIN ESZ as per SC Judgement
R4	34° 9'39.26"N	74° 7'46.53"E	Falls WITHIN ESZ as per SC Judgement
R5	34° 9'36.71"N	74° 7'41.76"E	Falls WITHIN ESZ as per SC Judgement
R6'	34° 9'31.09"N	74° 7'45.69"E	Falls WITHIN ESZ as per SC Judgement
R7'	34° 9'34.79"N	74° 7'52.58"E	Falls WITHIN ESZ as per SC Judgement

11. NEELAM VALLEY, DECHINA SALAMABAD (EFGHIJKLMNOPQ)

[Handwritten signatures and initials in blue ink, including a large signature at the top and several smaller ones below it.]

E	34°10'21.33"N	74° 7'42.65"E	Falls OUTSIDE ESZ as per SC Judgement
F	34°10'19.10"N	74° 7'42.65"E	Falls OUTSIDE ESZ as per SC Judgement
G	34°10'17.10"N	74° 7'42.48"E	Falls OUTSIDE ESZ as per SC Judgement
H	34°10'16.94"N	74° 7'40.08"E	Falls OUTSIDE ESZ as per SC Judgement
I	34°10'19.50"N	74° 7'39.63"E	Falls OUTSIDE ESZ as per SC Judgement
J	34°10'18.21"N	74° 7'36.89"E	Falls OUTSIDE ESZ as per SC Judgement
K	34°10'16.62"N	74° 7'35.25"E	Falls OUTSIDE ESZ as per SC Judgement
L	34°10'17.87"N	74° 7'32.21"E	Falls OUTSIDE ESZ as per SC Judgement
M	34°10'19.34"N	74° 7'32.21"E	Falls OUTSIDE ESZ as per SC Judgement
N	34°10'21.78"N	74° 7'35.93"E	Falls OUTSIDE ESZ as per SC Judgement
O	34°10'22.47"N	74° 7'40.42"E	Falls OUTSIDE ESZ as per SC Judgement
P	34°10'25.86"N	74° 7'42.66"E	Falls OUTSIDE ESZ as per SC Judgement
Q	34°10'25.35"N	74° 7'43.94"E	Falls OUTSIDE ESZ as per SC Judgement

12. KASHMIR MINERAL MILLS, DARA GUTLIAN (ABCD)

A	34° 8'50.11"N	74° 5'21.31"E	Falls WITHIN ESZ as per SC Judgement
B	34° 8'47.26"N	74° 5'12.16"E	Falls WITHIN ESZ as per SC Judgement
C	34° 8'52.54"N	74° 5'9.14"E	Falls WITHIN ESZ as per SC Judgement
D	34° 8'54.80"N	74° 5'17.25"E	Falls WITHIN ESZ as per SC Judgement

13. M/S SYED MOHAMMAD TAHIR, DARA GUTLIAN (ABCDE)

A	34° 8'54.12"N	74° 4'57.48"E	Falls WITHIN ESZ as per SC Judgement
B	34° 8'52.54"N	74° 5'4.85"E	Falls WITHIN ESZ as per SC Judgement
C	34° 8'58.64"N	74° 5'0.17"E	Falls WITHIN ESZ as per SC Judgement
D	34° 9'2.76"N	74° 4'59.95"E	Falls WITHIN ESZ as per SC Judgement
E	34° 9'2.57"N	74° 4'52.40"E	Falls WITHIN ESZ as per SC Judgement

14. M/S SYED MOHAMMAD IRSHAD, DARA GUTLIAN (ABCDEFG)

A	34° 8'54.12"N	74° 4'57.48"E	Falls WITHIN ESZ as per SC Judgement
B	34° 8'59.64"N	74° 4'54.17"E	Falls WITHIN ESZ as per SC Judgement
C	34° 9'5.81"N	74° 4'47.36"E	Falls WITHIN ESZ as per SC Judgement
D	34° 9'4.20"N	74° 4'47.54"E	Falls WITHIN ESZ as per SC Judgement
E	34° 9'0.15"N	74° 4'51.02"E	Falls WITHIN ESZ as per SC Judgement
F	34° 8'58.83"N	74° 4'48.61"E	Falls WITHIN ESZ as per SC Judgement
G	34° 8'52.19"N	74° 4'47.98"E	Falls WITHIN ESZ as per SC Judgement

15. JEHLUM VALLEY, DARA GUTLIAN (BCDEFG)

B	34° 8'52.54"N	74° 5'4.85"E	Falls WITHIN ESZ as per SC Judgement
C	34° 8'58.64"N	74° 5'0.17"E	Falls WITHIN ESZ as per SC Judgement
D	34° 9'2.76"N	74° 4'59.95"E	Falls WITHIN ESZ as per SC Judgement
E	34° 8'59.16"N	74° 5'8.27"E	Falls WITHIN ESZ as per SC Judgement
F	34° 8'52.27"N	74° 5'8.92"E	Falls WITHIN ESZ as per SC Judgement
G	34° 8'50.58"N	74° 5'9.60"E	Falls WITHIN ESZ as per SC Judgement

Handwritten signatures and initials in blue ink, including "H/S", "M/S", "Syed", and "Jehlum Valley".

4. As clearly evident from details tabulated above for each Gypsum Mine for which Geo-Coordinates were received from DMO Baramulla and cross verified by on spot recording, out of 15 listed leased out Gypsum Mines, atleast Four (4) such Mines namely Gee Emm Industries (Non-Functional), Khyber Industries (Non-Functional), Peer Panjal Industries (Non-Functional) and New Sigma (Functional) have been found to be falling either fully or partly, as tabulated above, within the limits of protected Area namely Lachipora Wildlife Sanctuary in contravention to all rules.
5. Atleast Ten (10) Gypsum Mines tabulated above namely Raaz Chemicals, Snow White, Noor Mohammad Trumboo, Tower Chemicals, Kohinoor Gypsum, Baba Chemicals, Syed Mohammad Tahir, Syed Mohammad Irshad, Jhelum Valley and Kashmir Minerals were found to be falling within the minimum 1 KM Eco-Sensitive Zone measured radially from the boundaries of Protected areas of wildlife. And only one Gypsum Mine namely Neelam Valley situated in Salamabad Dachina is found to be falling outside the ESZ. The Geo-Referenced Map generated depicts the location of each of these Gypsum Mines along with the boundaries of Protected area of Wildlife and 1KM buffer zone and is appended with this report as **Annexure-XV**
6. Objections received from Gypsum Lease Holders and annexed as **Annexures - X, XI, XII & XIII** were scrutinized and following substantial claims came to fore:
- A. M/s Raaz Chemicals has produced a letter written by Regional Wildlife Warden (Kashmir) and addressed to The Chief Wildlife Warden, J&K vide RWLWK/Acctt/07-08/106 dated 18.04.2008 (**Annexed as Annexure XVI**) wherein it has been stated that "The Site of extraction is about 4 Kms away from the Compartment No. 1 of Lachipora Wildlife Sanctuary and is outside the protected area"
- B. M/s Jhelum Valley Gypsum has produced a letter written by Chief Wildlife Warden (J&K) and addressed to The Director, Geology & Mining Deptt, J&K vide WLP/Plan/3515-16/07 dated 15.09.2007 (**Annexed as Annexure XVII**) wherein it has been stated that "Proposed site for Mining Lease of M/s Jhelum Valley Gypsum, Baramulla is located more than 15 kms away from the wildlife Sanctuary"
- C. Gypsum Mines lease holders in Bagna have contended that, In the Notification vide S.O. 1330 (E) dated 26.03.2022, "Bagna Nallah, Forest area is situated 3,000 metres away from the boundary description of Kazinag NP, Limber WS and Lachipora WS and its Eco-Sensitive Zone"

In reply to points 4(A) & 4(B), the Wildlife Warden (North) vide No. WLW(N)/Estt/2022-23/867-88 dated 31.08.2022 has stated that,

"The aforementioned NOC's were erroneously issued by the Department. If any NOC has been issued by the Department of Wildlife Protection that stands cancelled because the applicant has to obtain NOC from the Wildlife National Advisory Board as mentioned in the Supreme (Court) ruling dated 03-06-2022, that according to Supreme Court ruling Para 44 D mining in the National Park and Sanctuaries shall not be permitted. Since these mining units fall in the Eco Sensitive Zone as such any NOC issued to mining unit falling in Eco Sensitive Zone stands invalidated."

Further, in reply to point 4(C), it has been observed that the observation made by Gypsum Mine lease holders of Bagna was based on a misconception to the lease holders who failed to understand that it was actually the width of ESZ = 3000m fixed in the Notification for Bagna Village that extends upto Bagna nallah and not the distance of their Mine or Village from Protected area or its ESZ.

7. The Guidelines dated February 09th, 2011 issued by the Government of India (Annexure-VI), Ministry of Environment and Forests regarding the declaration of Eco Sensitive Zones has cleared in Point "1.4 Hon'ble Supreme Court's Decision" that all Environment Clearances

that were granted where activities are within 10 Kms zone, be referred to Standing Committee of NBWL but as a matter of fact, no such cases have been reported to have been sent to the NBWL.

VI. CONCLUSION

In view all above facts and figures quoted above, out of 15 listed leased out Gypsum Mines, atleast Four (4) Mines namely Gee Emm Industries (Non-Functional), Khyber Industries (Non-Functional), Peer Panjal Industries (Non-Functional) and New Sigma (Functional) have been found to be falling either fully or partly within the limits of protected Area namely Lachipora Wildlife Sanctuary in contravention to all rules. Ten (10) Gypsum Mines namely Raaz Chemicals, Snow White, Noor Mohammad Trumboo, Tower Chemicals, Kohinoor Gypsum, Baba Chemicals, Syed Mohammad Tahir, Syed Mohammad Irshad, Jhelum Valley and Kashmir Minerals were found to be falling within the minimum 1 KM wide Eco-Sensitive Zone from the boundaries of Protected areas of wildlife. Only one Gypsum Mine namely Neelam Valley situated in Salamabad Dachina is found to be falling outside the ESZ. Hence, the report is submitted for further necessary action so that necessary implementation of Hon'ble Supreme Court's Orders.

13/9/22 with observation annexed.
Divisional Forest Officer
Baramulla

13/9/22
Wildlife Warden
(North)

13/9/22 with observation annexed
District Officer, Geology & Mining
Baramulla

M
District Officer, PCC
Baramulla

13/9/22
Tehsildar, Baniyar

with observation annexed
District Law Officer
Baramulla

13/9/22
Sub Divisional Magistrate
Uri

Observation to be annexed with the report.

Subject:- Implementation of Hon'ble Supreme Court order dated 03.06.22
passed in the case T.N. Godavarman Thirumulpad Versus Union of India.

Reference: Committee Order No. DCB/SQ/1460-46 Dated 24-07-2022

The report regarding declaring of the mines falling under Eco Sensitive Zones may kindly be got vetted by DFO Photo interpretation Division Srinagar as the services and technical support of his office has been utilized in said assignment. The signature of DFO JV Forest Division is sub servant to the vetting of report by DFO Photo interpretation Division Srinagar.


DFO JV Forest Division
Baramulla
(Committee member)

Observation to be annexed with the report.

Subject:- Implementation of Hon'ble Supreme Court order dated 03.06.22
passed in the case T.N. Godavarman Thirumulpad Versus Union of India.

Reference: Committee Order No. DCB/SQ/1460-46 Dated 24-07-2022

Two issues came to the fore while discussing the issue at hand threadbare:

- (1) The Wildlife Department has formulated geo coordinated satellite maps depicting the extent of Kazinag National Park, Limber Wildlife Sanctuary and Lachipora Wildlife Sanctuary. If the maps are taken into consideration then all the gypsum leases except Neelam Valley, located at Salambad Dachina, fall within an aerial distance of 1 KM of the protected area.
- (2) During the discussions and on the basis of the objections received from the lessees the committee decided to have a visit to the demarcated boundary of the protected forest. Accordingly, on 02.09.22, the committee members visited the Kopra Top to locate the boundary pillars of the demarcated forest. The boundary pillars were not found at any place and the spot identified by the wildlife officers as Compartment 1st appeared to be the demarcated boundary of the Lachipora Wildlife Sanctuary; however no clearcut demarcated pillars or wire was found so as to ascertain accurate aerial distance of 1km Eco Sensitive Zone and distance of the gypsum mines therefrom. As Hon'ble Supreme Court in its order dated 03-06-2022 in para 44(a) has directed as follows:

"Each protected forest, that is national park and wildlife sanctuary must have an ESZ of minimum one Kilometre measured from the demarcated boundary of such protected forest in which the activities proscribed and prescribed in the guidelines on 9th February 2011 shall be strictly adhered to. For Jamua Ramgarh Wildlife Sanctuary, It shall be 500 metres far as subsisting activities are concerned."

- (3) Vide letter no. SDM/Uri/22/1177-80 Dated 03-09-2022 DFO Demarcation was requested to depute his team along with demarcation records on 5th or 6th of September, 2022. Accordingly the committee members along with the demarcation team of the forest Department and the officials of the revenue Department met at wildlife hut Bijhama. After perusing the records the committee members could not arrive at a decision and it was decided that the demarcation shall be carried out on ground. The report be vetted by DFO Demarcation.


DMO
Baramulla


DLO
Baramulla

GOVERNMENT OF JAMMU AND KASHMIR
DEPARTMENT OF GEOLOGY AND MINING
OFFICE OF THE DISTRICT MINERAL OFFICER, BARAMULLA

Email: dmobaramulla@gmail.com

1. M/S Baba Chemicals, Salamabad Boniyar.
2. M/S Tower Chemicals, Bagna Boniyar.
3. M/S Kohinoor Gypsum, Bagna Boniyar.
4. M/S New Sigma Industries, Bagna Boniyar.
5. M/S Gee Emm Industries, Bagna Boniyar.
6. M/S Raz Chemicals, Niloosa Boniyar.
7. M/S Peer Panchal Industries, Niloosa Boniyar.
8. M/S Khyber Industries, Jabadar Bijhama Boniyar.
9. M/S Syed Mohammad Tahir, Daragutliyan Uri.
10. M/S Syed Mohammad Irshad, Daragutliyan Uri.
11. M/S Kashmir Mineral Mills, Daragutliyan Uri.
12. M/S Jehlum Valley Gypsum, Daragutliyan Uri.
13. M/S Noor Mohammad Trumboo, Zamboor Pattan Uri.

Subject:- Judgement dated 03.06.2022 passed by the Hon'ble Supreme Court of India in IA No. 1000 of 2013 and allied IAS in WP (C) 202 of 1995 titled T.N. Godavarman Thirumulpad VS Union of India and others- implementation thereof.

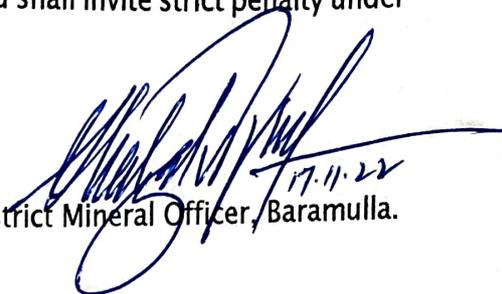
- Ref:-
- 1). Letter No. DCB/SQ/3228-31 dated 07.11.2022 of the Deputy Commissioner, Baramulla.
 - 2) Report of the Committee furnished by Sub Divisional Magistrate, Uri vide No. SDM/Uri/22/1317 dated 13.09.2022.

This office is in receipt of letter No. WLW(N)/Estt/2022-23/1284-86 dated 10.11.2022, from the Wildlife Warden North Kashmir, Division Sopore, wherein it has been established that your mines fall in the Eco Sensitive Zone of the Lachipora Wildlife Sanctuary and therefore compliant to the aforementioned

order of the Hon'ble Supreme Court of India, you are directed to stop the mining activities forthwith. Any dereliction in this regard shall invite strict penalty under law.

No: DMO/DGM/BLA/2022-23/1701-1718

Dated: 17.11.2022


17.11.22
District Mineral Officer, Baramulla.

Copy for information to the:

1. Deputy Commissioner, Baramulla.
2. Director Geology and Mining Department, J&K.
3. Joint Director (K), Geology and Mining Department, Srinagar.
4. Wildlife Warden North Kashmir, Division Sopore.

S. No. 17

Regular Cause List

IN THE HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT SRINAGAR

WP(C)No. 2649/2022

CM No. 6675/2022

M/s Tower Chemicals and Ors.

...Petitioner(s)

Through: Mr Tasaduq H. Khawaja, Advocate.

Vs.

UT of J&K and Ors.

...Respondent(s)

Through: Mr Mohsin Qadri, Sr. AAG with
Mr Allaudin Ganaie, AAG and
Ms Maha Majid, Advocate

CORAM:**HON'BLE MR JUSTICE JAVED IQBAL WANI, JUDGE****ORDER**

09.02.2023

The matter came up for consideration in terms of order dated 31.01.2023 where under respondents 2, 3, 7 8, 9 and 11 were directed to remain present in person along with record of the case, after it came to be noticed in the compliance report filed on 13.01.2023 that the demarcation of the area directed by this court was suggested to be not warranted.

Mr. Mohsin Qadri, Sr. AAG, along with Mr. Allaudin Ganaie, AAG, appearing counsel for the respondents would submit that the respondents 2 and 3 could not appear in compliance to the order passed by this Court for the reasons beyond their control and have, as such, filed applications for dispensing with their personal appearance.

Having regard to the reasons detailed out in the applications, same are allowed and personal appearance of respondents 2 and 3 are dispensed with for today's hearing.

Mr. Qadri and Mr. Ganie would further submit that separate replies stand filed to the petition on behalf of respondents 7, 9 and 16.

Mr. Qadri would submit that the directions passed by this Court on 25.11.2022 for effecting demarcation on ground of the area, a Committee has been constituted under the Chairmanship of respondent no. 3 and that the said demarcation could not be bona fide undertaken immediately and that the same is likely to take around three months of time having regard to the terrain and topography of the area.

Mr. Tasaduq H. Khawaja, appearing counsel for the petitioners in principle do not oppose the timeframe suggested by Mr. Qadri, however, Mr. Khawaja would submit that the notification referred by the respondents qua Wild Life Sanctuary Litchipora does not cover the areas where the mines of the petitioners are located having regard to the Section 24-A of Wild Life Protection Act, as according to Mr. Khawaja the said notification is applicable to only the Forest/State land and not to the private lands where the mines of the petitioners are located and the mines of the petitioners as well do not fall within an area of one km from the Sanctuary in question.

The submissions of Mr. Khawaja *prima facie* is fortified by the reply filed by respondents which *per se* suggest that there is huge ambiguity and uncertainty insofar as the existing boundary of Sanctuary in question is concerned. This position also lends support from the Policy of the Government as emerges from two communications dated 03.02.2023 addressed by the Under Secretary to the Government Mining Department to the Director Geology & Mining and by Director Geology and Mining to the Joint Director (K) Geology and Mining respectively produced by Mr. Khawaja wherein it is stated that the mining operations shall be stopped

once demarcation takes place thus, in explicit terms suggesting that the respondents themselves are not sure whether the mines of the petitioners are located in the prohibited zone or not.

Mr. Khawaja in view of aforesaid facts and circumstances would pray for grant of an interim relief on the premise that the petitioners have a strong *prima facie* case as also balance of convenience lie in their favour and that withholding of an interim relief in their favour would adversely and harshly effect their rights including right to livelihood.

Having regard to the aforesaid position, facts, circumstances and record available, there appears to be substance in the submissions made by Mr. Khawaja. The petitioners thus, have been able to carve out of a case for grant of indulgence and an interim relief at this stage. Therefore, in order to maintain the scales of balance evenly the respondents are directed to permit the petitioners to carry out mining activities till such time the process of demarcation of the area is undertaken and concluded by them on ground.

It is made clear that in case after said demarcation the mines of the petitioners are found to be situated within the prohibited zone/s, the respondents shall forthwith stop the petitioners from carrying out the said mining activities.

List the matter for further consideration on 10.04.2023.

In the meanwhile, rest of the respondents to file reply.

The personal appearance of the officers summoned in terms of order dated 30.01.2023 shall stand dispensed with for the time being.

(JAVED IQBAL WANI)
JUDGE

SRINAGAR

09.02.2023

Ishaq

ANNEXURE-H

Details of works accorded Administrative Approval under PMKKKY out of DMFT, Baramulla.

Sr. No.	Name of the work	Executing Department	Area	Amount allocated	Status of work
1.	Construction of Check dams/Crib Structures/Crate Wire bunds at mining affected areas of Boniyar.	Soil & Water Conservation Department	Boniyar Tehsil	₹10 Lacs	under process
2.	Improvement/Stabilization of feeding main and new supply main to various Mohallas of Bagna WSS Bagna Boniyar.	Jal Shakti (PHE) Department	Boniyar Tehsil	₹9.04 Lacs	Work completed. However, amount yet to be released.
3.	Construction of single room at Govt. High School Khushamerg, Education Zone Chandanwari Boniyar	Education Department	Boniyar Tehsil	₹5.00 Lacs	under process
4.	Purchase of machinery equipment for the health institutions of mining affected areas of Boniyar.	Health & Medical Education Department	Boniyar Tehsil	₹17.00 Lacs	Work completed. However, amount yet to be released.
5.	Up-gradation of Bagna Noorkhah road	PWD (R&B) Department	Boniyar Tehsil	₹10.00 Lacs	Work Completed. An amount of ₹8.20 Lacs released for the same.