

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

Original Application No. 924/2024

In the Case of:

News Item titled "Sand Mafia destroys Jhelum embankment puts thousands at risk" appearing in Daily Excelsior dated 09.07.2024.

INDEX

S. No	Particulars	Page No.
1	Compliance Report on behalf of Official respondent No.5 with respect to the order dated 10-11-2025 passed by this Hon'ble Tribunal in the above captioned Original Application	2-3
2	Copy of the SO No.599 Dated:15-11-2022 issued by the Government of Jammu & Kashmir, Mining department.	4-5
3	Copy of the Rule 56 of the Jammu and Kashmir Minor Mineral Concession, Storage, Transportation of Minerals and Prevention of Illegal Mining Rules, 2016	6

Dated:26/11/2025


District Magistrate Pulwama

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

Original Application No. 924/2024

In the Case of:

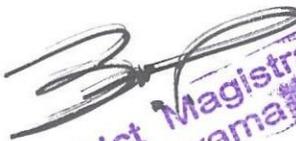
News Item titled "Sand Mafia destroys Jhelum embankment puts thousands at risk" appearing in Daily Excelsior dated 09.07.2024.

In the Matter of: Compliance report on behalf of Official respondent No.5 with respect to the order dated 10-11-2025 passed by this Hon'ble Tribunal in the above captioned Original Application.

May it please your lordships,

The respondent No.5 most respectfully submits as under:

1. That the above captioned Original Application is pending adjudication before this Hon'ble Tribunal and the next date is scheduled as on 09-02-2026 for the sake of hearing.
2. That while adjudicating upon the present Original Application on the previous date of hearing, the Hon'ble Tribunal passed an order Dated:10-11-2025 whereby the present respondent was directed to place on record the order/circular/rule or regulation under which customary mining mentioned in the affidavit Dated:08-09.2025 is permissible.
3. That the present respondent in compliance to the order mentioned supra, hereby places on record the SO No.599 Dated:15-11-2022 issued by the Government of Jammu & Kashmir Mining department alongwith Rule 56 of the Jammu and Kashmir Minor Mineral Concession, Storage, Transportation of Minerals and Prevention of Illegal Mining Rules, 2016. It is apt to mention here that the SO supra is an amendment to the aforesaid Rules whereby the manual


**District Magistrate
Pulwama**

customary extraction of sand, silt, clay by local Hanjis, Khanias, Muleteers etc is permitted and the issuance of short term permits/disposal permits is authorized for the same. The said permits are issued by the (i) Officer in-charge of the district concerned for minor minerals upto 5000 tonnes, (ii) Joint Director/Dy. Director/Mining Engineer of the Department for minor minerals above 5,000 upto 50,000 tonnes; and (iii) Director for minor minerals above 50,000 tonnes in terms of Rule 56 already mentioned supra.

In view of the above, the compliance report to the order dated 10-11-2025 passed in the above captioned Original Application is hereby submitted for the kind perusal of this Hon'ble Tribunal.


District Magistrate
Respondent No. 3
Pulwama
District Magistrate Pulwama

172
Government of Jammu and Kashmir
Mining Department
Civil Secretariat, J&K

Notification,

Jammu, the 15th of November, 2022

~~S.O. 599~~ In exercise of the powers conferred by section 15 read with section 23C of the Mines & Minerals (Development and Regulation) Act, 1957 (Central Act No. 67 of 1957), the Government hereby makes the following amendments in the Minor Mineral Concession, Storage, Transportation of Minerals and Prevention of Illegal Mining Rules, 2016; namely:-

1. In rule 13.-

- (i) after clause (b) to first proviso, the following proviso shall be added as second proviso; namely:-

“Provided further that the cases as listed in Appendix-IX of notification S.O 1224 (E) dated 28th March 2020 issued by the Ministry of Environment, Forest & Climate Change, GoI, shall be exempted from the requirement of Environmental Clearances.”

- (ii) Second proviso shall be re-numbered as third proviso and substituted by the following; namely:-

“Provided also the manual customary extraction of sand, silt and clay by local Hanjis, Khanias, Muleteers etc shall be exempted from the requirement of Environmental Clearances.”

2. In rule 56, in clause (vi) of sub-rule(1), the following shall be added as second proviso; namely:-

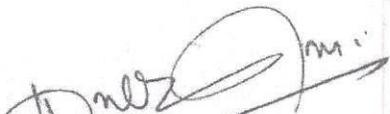
“Provided further that Short Term Permits / Disposal Permits shall also be granted for manual customary extraction of sand, silt, clay by local Hanjis, Khanias, Muleteers etc.”

3. In rule 58, the following shall be added as second proviso; namely:-

“Provided further that the cases as listed in Appendix-IX of notification S.O 1224 (E) dated 28th March 2020 issued by the Ministry of Environment, Forest & Climate Change, GoI, shall be exempted from the requirement of Environmental Clearances.”

4. In rule 94, after clause (iii) of sub-rule (2), the following clause shall be added; namely:-

“(iv) River bed material shall not be extracted up to a distance of five times (5) of the span (x) of a bridge / public civil structure (including water intake points) on up-stream side and ten times (10) the span of such bridge on down-stream side, subject to a minimum of 250 meters on the upstream side and 500 meters on the downstream side.”



5. **Rule-95** shall be substituted by the following; namely:-

"95. Simple Interest at the rate of 15% shall be charged per annum on any rent, royalty or other sum due to the Government under the Act and rules made there under or terms and conditions of any mineral concession from the sixteenth (60) day of the expiry of the date fixed by the Government for payment of such royalty, rent, fee or other sum and until payment of such royalty, rent, fee or other sum is made."

6. **In rule 107**, after sub Rule (2), the following sub-rule shall be added; namely:-

"(3) Notwithstanding anything contained in these rules, extraction or digging of ordinary earth / clay used for filling, leveling or embankment of roads or railways, cement plants up to depth of two (02) meters, removal of overburden, free flowing material shall not be treated as mining operations:

Provided that such operations shall be carried out under proper Short Term / Disposal Permit with payment of royalty and other applicable charges."

By order of the Government of Jammu and Kashmir.

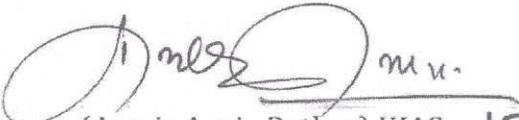
Sd/-
(Amit Sharma) IAS
Secretary to the Government

No: GM-MNG/281/2022-04

Dated: 15.11.2022

Copy to the:

1. All Financial Commissioner(s) (Additional Chief Secretaries).
2. Director General of Police, J&K.
3. All Principal Secretaries to the Government.
4. Director General, J&K, IMPARD.
5. All Commissioner/ Secretaries to the Government.
6. Joint Secretary (Jammu and Kashmir/Ladakh), Ministry of Home Affairs, GoI.
7. Divisional Commissioner, Kashmir/ Jammu.
8. All Heads of Departments/ Managing Directors.
9. All Deputy Commissioners.
10. Director, Information and Public Relations, J&K.
11. Director, Geology and Mining, J&K.
12. Director, Achieves, Archeology and Museums, J&K.
13. Principal Private Secretary to the Hon'ble Lieutenant Governor.
14. General Manager, Government Press, Jammu/ Srinagar.
15. Private Secretary to the Chief Secretary, J&K.
16. Private Secretary to Secretary to the Government, GAD.
17. Private Secretary to Secretary to the Government, Mining Department.
18. In-charge Website, Mining Department.


(Aamir Ayaiz Rather) JKAS 15.11.2022
Under Secretary to the Government

Chapter - VII
Grant of Short Term Permit or Disposal Permit

56. Restrictions on the grant of Short term Permit or *Disposal Permit*.- (1) Short Term Permit or disposal permit shall be granted for –

- (i) disposal of minor minerals encountered in the process of construction of tunnels, canals, roads, bridges, buildings etc;
- (ii) disposal of minor minerals excavated during the process of construction, maintenance and operation of the tunnels, canals, roads, drainage system by Government Departments;
- (iii) Government works of emergent nature for public interest;
- (iv) extraction of brick earth by the brick kiln owners possessing a valid license under the J&K Brick Kiln (Regulation) Act, 2010.
- (v) an area less than one hectares and not covered under any other mineral concession granted under these rules for the excavation of specified quantity of minor minerals for a specified period on advance payment of royalty and guarantee amount. However, disposal permit may be given on an area exceeding one hectare.

(2) The following shall be the authorities for grant of short term or disposal permit under these rules.-

- (i) Officer Incharge of the District concerned for minor minerals upto 5000 tonnes;
- (ii) Joint Director/Dy. Director/Mining Engineer of the Department for minor minerals above 5,000 upto 50,000 tonnes; and
- (iii) Director for minor minerals above 50,000 tonnes .

(3) Short Term Permit or Disposal Permit may be granted for a specified period not exceeding three months at one time for a specified quantity only.

57. Application for short term permit or disposal permit.- (1) Application for short term permit or disposal permit shall be made to Officer Incharge in the **Form STP1** and shall be accompanied by a fee of Rs.2,000/-(rupees two thousand).

(2) Every application shall be accompanied by the description of the land giving location of the area from where excavation of mineral shall be made and shall be accompanied by the consent of owner of the land in case of proprietary land, consent of the Department concerned in case of Departmental land and by the consent of Revenue Department in case of State land or any other Officer of the Department duly authorized by the said Department.

(3) Copy of PAN Card or Adhaar Card.

58. Grant of Short term permit or disposal permit.- Short term permits or disposal permits shall be granted on first come first service basis. Such permits shall be issued in Form STP2: