

IWDP-Hills, Forest Complex,  
Gladni, Narwal , Jammu.



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Office of the Chairman, National Green Tribunal Joint Monitoring Committee  
(Justice (Retd.) Janak Raj Kotwal)  
(Former Judge High Court of Jammu & Kashmir)

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

No: CHM/NGTMC/Report/OA-137

Date: 19. 11. 2022.

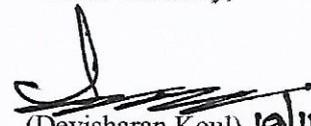
**Subject: Hon'ble NGT matter titled Arti Sharma (Sarpanch) v. State of J&K  
& Ors. - Report.**

Sir,

I am directed to submit herewith the report of the Joint Committee dated 9.11.2022 along with corrigendum dated 18.11.2022 and annexures - 'A', 'B' & 'C' to be placed before the Hon'ble NGT.

Enclosures : 41 leaves.

Yours faithfully,

  
(Devisharan Koul) 19/11/22  
Personal Assistant



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**Office of the Chairman, National Green Tribunal Joint Monitoring Committee  
(Justice Janak Raj Kotwal)  
(Former Judge High Court of Jammu & Kashmir)**

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Original Application No. 137/2021

Arti Sharma (Sarpanch) v. State of Jammu and Kashmir & Ors.

Report of the Joint Committee headed by  
Justice Janak Raj Kotwal, former Judge,  
High Court of Jammu & Kashmir.

Reference: Order passed by the Hon'ble NGT on 12.4.2022.

Dt. 9.11.2022

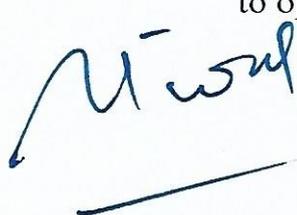
**Preface**

1. To restate from the order dated 12.04.2022 passed by the Hon'ble NGT, "grievance in this application is against operation of stone crushers by M/s Diamond Stone Crusher, VPO Saranoo Tehsil, District Rajouri, J&K and M/s Shankar Stone Crusher, VPO Saranoo Tehsil, District Rajouri, J&K, in violation of environmental norms."
2. By the same order Hon'ble NGT, on consideration of the action taken report filed by the Joint Committee earlier constituted vide order dated 30.6.2021 and a related report filed by the District Magistrate, Rajouri, constituted this Joint Committee observing in paragraph 7 that :

“It is clear from the reports that there have been serious violations in operation of stone crushers, supported by illegal mining to the detriment of environment. Steps so far taken to prevent illegal mining and further pollution are inadequate. So are the steps to make the violators accountable for past violations. Serious violations include diversion of flow of the river, lowering of water table, loss of irrigation/crops, damage to the water quality and even death of a person who drowned in the deep pit created by the stone crusher (as per allegation in the original application supported by a photograph).”

3. This Joint Committee, thus, came to be constituted by the Hon’ble NGT vide the order dated 12.04.2022 for verification of the further remedial action required to be taken in the matter. We may reproduce the relevant portion of paragraph 8 of the order :

“ In view of seriousness of the situation, we consider it appropriate to require further remedial action to be verified by a joint Committee to be headed by Justice Janak Raj Kotwal, former Judge of J&K High Court along with CPCB, State PCB, nominee of Secretary Irrigation, J&K and District Magistrate, Rajouri. State PCB will be nodal agency for compliance. The Committee may consider the reports already furnished and if found necessary, undertake visit to the site and interact with the stakeholders. ...Till stone crushers in question provide requisite pollution prevention and control systems, they may not be permitted to operate.”



## Preliminary Proceedings

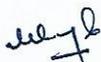
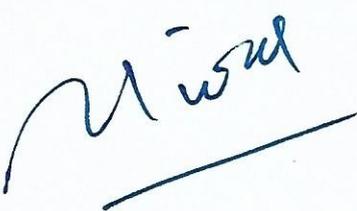
4. As prelim to the proceedings, the Chairman of this Joint Committee held a sitting in his office on 14.05.2022 in which record of the case was examined and the stake holders, that is, the applicant, Ms. Arti Sharma and the representatives of the two Stone Crushers; Mr. Zaheer Choudhary, Partner, M/s Diamond Stone Crusher and Mr. Kiran Sharma, Proprietor M/s Shankar Stone Crusher were heard. The Regional Director, J&K Pollution Control Committee (J&K PCC), Mr. Sat Paul, IFS, also joined the Chairman in that sitting.
5. In the sitting held on 14.05.2022 the applicant, who is Sarpanch of the area Panchayat, plainly stated that after Hon'ble NGT notice to the violators and visit of the earlier committee, her grievance with regard to illegal digging of the raw material by the stone crushers in question and non-fulfillment of pollution control measures to the extent of raising of a boundary protection/wind breaking wall around the premises have been mitigated. In regard to fulfillment of other operating conditions related to environmental safety and status of pollution control devices, she sought a report to be called from the concerned officers. In regard to allegation relating to location of the stone crushers within close vicinity of some residential areas, the applicant stated that the members of the earlier Committee had said that all residential houses fall beyond the prescribed limit.
6. Besides above, the Chairman took note that a 'Siting Criteria' laying down criteria for selecting the site for installation of a Stone Crusher

was published by the J&K State Pollution Control Board (now J&K PCC) far back in December, 2004 for a period of 5 years only with a condition that stringent criteria shall be adopted thereafter. However, no fresh criteria have ever been laid down/notified and the old 'Siting Criteria' has been followed in selecting the sites for all the stone crushers installed even after the expiry of its outer limit.

7. The Chairman thus directed a spot inspection and report by the Divisional Officer, Pollution Control Committee, Rajouri as also comments from the Chairperson, J&K Pollution Control Committee in regard to the non-notification of fresh 'Siting Criteria'. The Chairman held a similar sitting on 02.07.2022 in which the report made by the Divisional Officer, was discussed and further clarification was sought from him. In regard to the 'Siting Criteria', information provided by the Member Secretary, J&K Pollution Control Committee vide his No.: JKPCC/NGT/21/112/207-209 dt: 31.05.2022 is that preparation of fresh 'Siting Criteria' was in process and the matter is likely to be placed before the Board of the Committee for approval. No further information in this regard, however, has ever been provided, though this Committee has been informally informed that the fresh Criteria is still awaiting the approval of the Board.

**Minutes of the sittings are enclosed as annexure - A & B.**

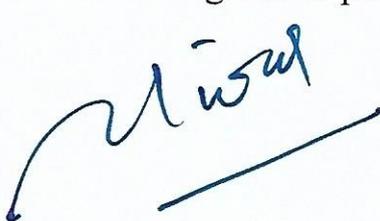
8. In the meantime, the J&K PCC nominated Mr. Sat Paul, IFS, Regional Director, Jammu region as their nominee to this Joint Committee and the CPCB nominated Dr. Narender Sharma, Additional Director,



CPCB, Regional Directorate, Chandigarh as their nominee. Likewise, the State Jal Shakti Department, nominated I/c Chief Engineer, Irrigation & Flood Control, Jammu.

### **Proceedings by the Joint Committee**

9. The Joint Committee held its first meeting on 10.09.2022 which was followed by spot inspection by two of its members (Mr. Sat Paul, IFS and Dr. Narender Sharma) on 11.09.2022 and another meeting of the Committee on 12.09.2022. Yet another meeting of the Committee was held on 10.10.2022.
10. The Joint Committee examined and deliberated upon the entire record of the case, in particular the reports filed by the earlier Joint Committee and the District Magistrate, Rajouri, the reports made by the Divisional Officer, Rajouri along with the covering note by the Regional Director, J&K PCC vide No. PCC/RDJ/SA-NGT/2022/2442-43 dt: 12.08.2022 and the spot inspection report dated 12.09.2022 prepared by the two members of this Committee. The Committee also took into consideration the remedial actions taken by and on behalf of the concerned agencies as also failures/shortcomings on their part, post the directions issued by Hon'ble NGT from time to time.
11. In their spot inspection report dated 12.09.2022, the two members of this Committee (Mr. Sat Paul, IFS and Dr. Narender Sharma ) have given a painstaking and detailed account of the remedial measures

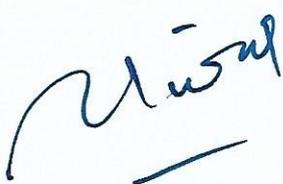


taken by the unit holders, found as on the date of inspection and have also pointed out the failures and the shortcomings. **The said report is enclosed herewith as annexure - C.**

12. After threadbare discussion and deliberations in the matter this Joint Committee makes following observations:

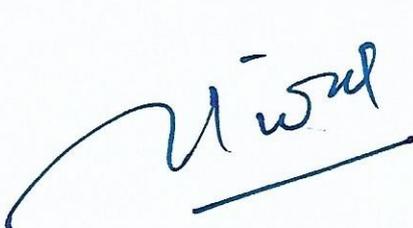
a) Sufficient remedial action seems to have not been taken by any government agency on its part after the Hon'ble NGT Order dated 12.04.2022 inasmuch as the direction issued by the Hon'ble NGT that "till stone crushers in question provide requisite pollution prevention and control system, they may not be permitted to operate" has not been strictly implemented as the two members of this Joint Committee at the time of spot inspection on 11.09.2022 have noticed, on the basis of available stock position, that the units are operating regularly. However, the Regional Director, J&K PCC, Mr. Sat Paul (member of this Committee) informed that the Consent to Operate (CTO) of these units have not been renewed after they had expired in the month of May/June, 2022.

b) The CTO granted by the J&K SPCB (now J&K PCC) to each of the two units in question does not



mention anything about the parameters applicable for discharge recycling and mode of discharge with regard to the washing effluent and the solid waste (silt).

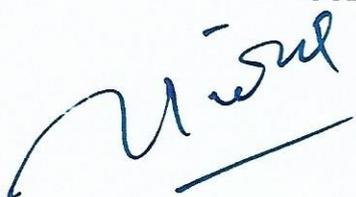
- c) The J&K SPCB (now J&K PCC) or the CPCB have not prescribed the standards for monitoring of washing effluent of the stone crushers, but Dr. Narender Sharma (member of the committee) pointed out that 'where industry specific standards are not notified by CPCB in that case general standards notified by CPCB are applicable. General standards have been duly notified and are required to be fulfilled.'
- d) The J&K SPCB (now J&K PCC) did not ensure the periodical measurement of Suspended Particulate Matter by the units in question, which, in our opinion, is an important condition of the CTO related to environmental safety.
- e) The environmental compensation (EC) earlier imposed on the units in question was not calculated in accordance with the mechanism/guidelines laid down by the CPCB, which have been accepted by the Hon'ble NGT.



f) The setting up of new stone crushers in the State of Jammu & Kashmir (now Union Territory) during the last over a decade had been and even now is prone to a fundamental drawback across the board, due to the failure on the part of the J&K SPCB (now J&K PCC) to prescribe fresh 'Siting Criteria' even long after expiry of the five years' outer limit of the earlier 'Siting Criteria' notified far back in the year 2004. The 'Siting Criteria' deals with physical conditions to be fulfilled for selecting the site for installation of a stone crusher *viz a viz* the impact of its operation on the environment and ecology of the area, in particular residential houses and surface water bodies, which are the main source of irrigation and drinking water in this hilly and mountainous Union Territory.

**M/s Diamond Stone Crusher:**

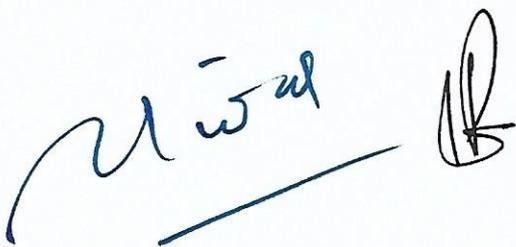
g) The unit has provided dust containment-cum-suppression system for stone crushing equipments. The unit has also constructed wind breaking wall on open sides of the premises. A green belt comprising trees in three rows along the periphery has been provided, as per the conditions of the CTO. However, the trees are yet to fully develop. The dust emitting points *viz.* Jaw crushers and Screeners/Classifier were found enclosed, as per a condition of the CTO.



- h) The approach roads to and in the premises are not metalled as per condition of the CTO.
- i) The representative of the unit holder could not produce any record in regard to the measurement of Suspended Particulate Matter, which the operator of the unit is required to get periodically measured as per a condition of the CTO.
- j) The unit has not provided settling tanks and water recycling system for treatment and recycling of washing effluent containing silt/fines and it is evident that the washing effluent is passed through open earthen channel leading to an earthen pit for settling of the silt. There is no arrangement made for collecting the overflow/treated washing effluent for recycling. The Unit is involved in unscientific disposal of solid waste (silt) into the nearby stream, which also serves as a source of drinking water.

**M/s Shanker Stone Crusher:**

- k) The unit has provided dust containment-cum-suppression system for stone crushing equipments. The unit has also constructed wind breaking wall on open sides of the premises, as per conditions of the CTO. The dust emitting points viz. Jaw crushers and



Screeners/Classifier were found enclosed, as per a condition of the CTO.

- l) The green belt provided by the unit is inadequate and not as per condition prescribed in the CTO. The approach roads to and in the premises are not metalled, as per a condition of the CTO.
  - m) The representative of the unit holder could not produce any record in regard to the measurement of Suspended Particulate Matter, which the operator of the unit is required to get periodically measured as per a condition of the CTO.
  - n) The unit is involved in unscientific disposal of solid waste (silt) into the nearby stream as, even though the Unit has provided settling tank for treatment of washing effluent containing silt/fines, as there is no arrangement to scientifically collect/remove the settled silt/fine and recycling of treated washing effluent and therefore the system provided is inadequate.
- 13) It may be concluded that even though some remedial actions have been taken by the unit holders, the remedial actions taken so far, post the Hon'ble NGT orders are not adequate and much is desired to be done.

*Mishra*

*[Signature]*

*July 20*

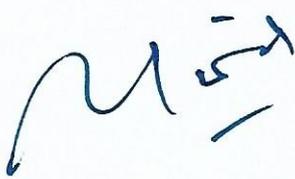
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## Recommendation

- i) Direction may be issued to the J&K PCC to notify the fresh 'Siting Criteria' without any further delay and to revisit the conditions of the CTO, earlier issued/to be issued in future, to stone crushing units, in a manner that new and modern time challenges to environment protection and safety are sufficiently met with.
- ii) Direction may be issued to the J&K PCC to ensure that all the conditions of the CTO granted to a stone crushing unit (Stone Crusher) and the 'Siting Criteria' are strictly fulfilled at any given point of time and, in particular, to ensure the monitoring and fulfillment of the Ambient Air Quality and washing effluent of a stone crusher, as per the general standards laid down and notified by the CPCB/J&K PCC.
- iii) As far as the two units in question are concerned, they may be permitted to operate, that is, their CTO may be renewed only after they fulfill all the conditions of the CTO granted to them to the satisfaction of the J&K PCC, to be personally certified by its Chairman.
- iv) The initial renewal of the CTO of the units in question may be for a period of one month only, which may be further extended only after the J&K PCC is satisfied that all the environment related measures

taken/equipments installed by the units operate satisfactorily, to be personally certified by its Chairman.

- v) Stone crushing, on one hand, is an important industrial sector directly related with infrastructure development of a country as it provides important construction material for construction of roads, highways, buildings canals and what not. But at the same time mass stone crushing causes a serious challenge to environmental safety as it is huge source of emission of fugitive dust at all stages of its activities, like quarrying, transportation and crushing of the raw material and transportation of the crushed material. The fugitive dust, if not controlled and scientifically treated, causes the air pollution by increasing the suspended particulate matter in the air and water pollution by drainage of the silt into water bodies. Noise pollution associated with operation of the stone crushers is another factor. A concerted effort and endeavor is thus required by the unit operators as well as the law enforcing agencies so that all the environmental norms are fulfilled and environmental safety is upheld.
- vi) To ensure environmental safety and purity in general and for parity and not to single out the two units in question, the J&K PCC may be directed to conduct a time bound audit of all the stone crushing units in the UT so that conditions (ii) and (iv) above are fulfilled by all the stone crushing units operating in the UT.



see 7b

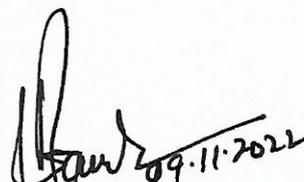


- vii) The environmental compensation earlier imposed on the units in questions may be reassessed in accordance with the mechanism/guidelines laid down by the CPCB, which have been accepted by the Hon'ble NGT.

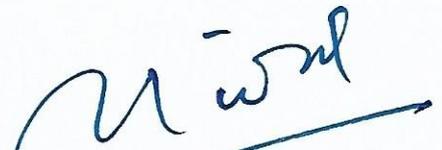
Report is thus submitted.

**Dr. Narender Sharma**  
Additional Director  
CPCB,  
Regional Directorate,  
Chandigarh

  
**Manoj Gupta**  
Chief Engineer  
Irrigation & FC  
Jammu

  
**Sat Paul, IFS**  
Regional Director  
J&K PCC  
Jammu

  
**Vikas Kundal, IAS**  
Deputy Commissioner  
Rajouri

  
**(CHAIRMAN)**

**CORRIGENDUM** to the report dt. 9. 11. 2022

18.11.2022

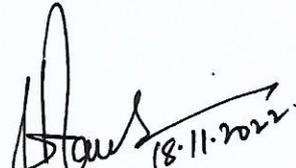
After consideration of a good point raised by one of us (District Commissioner/DM, Rajouri), recommendation (vi) at page No. 12 of the report is modified and may be read as under:

“vi) To ensure environmental safety and purity in general and for parity and not to single out the two units in question, the J&K PCC may be directed to ensure at the time of renewal of the CTO of a Stone Crushing unit in the UT, that all the conditions of the CTO and the Siting Criteria have been strictly fulfilled and all the environment related measures taken/equipments installed by the unit operate satisfactorily.”

 18/11/2022

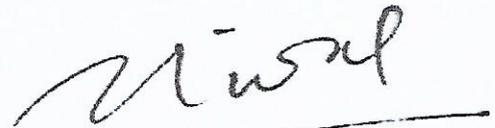
**Dr. Narender Sharma**  
Additional Director  
CPCB.  
Regional Directorate,  
Chandigarh

**Manoj Gupta**  
Chief Engineer  
Irrigation & FC  
Jammu

 18.11.2022

**Sat Paul, IFS**  
Regional Director  
J&K PCC  
Jammu

**Vikas Kundal, IAS**  
Deputy Commissioner  
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(CHAIRMAN)



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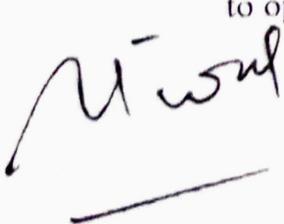
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1. To restate from the order dated 12.04.2022 passed by the Hon'ble NGT, "grievance in this application is against operation of stone crushers by M/s Diamond Stone Crusher, VPO Saranoo Tehsil, District Rajouri, J&K and M/s Shankar Stone Crusher, VPO Saranoo Tehsil, District Rajouri, J&K, in violation of environmental norms."
2. By the same order Hon'ble NGT, on consideration of the action taken report filed by the Joint Committee earlier constituted vide order dated 30.6.2021 and a related report filed by the District Magistrate, Rajouri, constituted this Joint Committee observing in paragraph 7 that :

"It is clear from the reports that there have been serious violations in operation of stone crushers, supported by illegal mining to the detriment of environment. Steps so far taken to prevent illegal mining and further pollution are inadequate. So are the steps to make the violators accountable for past violations. Serious violations include diversion of flow of the river, lowering of water table, loss of irrigation/crops, damage to the water quality and even death of a person who drowned in the deep pit created by the stone crusher (as per allegation in the original application supported by a photograph)."

3. This Joint Committee, thus, came to be constituted by the Hon'ble NGT vide the order dated 12.04.2022 for verification of the further remedial action required to be taken in the matter. We may reproduce the relevant portion of paragraph 8 of the order :

" In view of seriousness of the situation, we consider it appropriate to require further remedial action to be verified by a joint Committee to be headed by Justice Janak Raj Kotwal, former Judge of J&K High Court along with CPCB, State PCB, nominee of Secretary Irrigation, J&K and District Magistrate, Rajouri. State PCB will be nodal agency for compliance. The Committee may consider the reports already furnished and if found necessary, undertake visit to the site and interact with the stakeholders. ...Till stone crushers in question provide requisite pollution prevention and control systems, they may not be permitted to operate."



we 7/6

Per 14/11/22

## Preliminary Proceedings

4. As prelim to the proceedings, the Chairman of this Joint Committee held a sitting in his office on 14.05.2022 in which record of the case was examined and the stake holders, that is, the applicant, Ms. Arti Sharma and the representatives of the two Stone Crushers; Mr. Zaheer Choudhary, Partner, M/s Diamond Stone Crusher and Mr. Kiran Sharma, Proprietor M/s Shankar Stone Crusher were heard. The Regional Director, J&K Pollution Control Committee (J&K PCC), Mr. Sat Paul, IFS, also joined the Chairman in that sitting.
5. In the sitting held on 14.05.2022 the applicant, who is Sarpanch of the area Panchayat, plainly stated that after Hon'ble NGT notice to the violators and visit of the earlier committee, her grievance with regard to illegal digging of the raw material by the stone crushers in question and non-fulfillment of pollution control measures to the extent of raising of a boundary protection/wind breaking wall around the premises have been mitigated. In regard to fulfillment of other operating conditions related to environmental safety and status of pollution control devices, she sought a report to be called from the concerned officers. In regard to allegation relating to location of the stone crushers within close vicinity of some residential areas, the applicant stated that the members of the earlier Committee had said that all residential houses fall beyond the prescribed limit.
6. Besides above, the Chairman took note that a 'Siting Criteria' laying down criteria for selecting the site for installation of a Stone Crusher

was published by the J&K State Pollution Control Board (now J&K PCC) far back in December, 2004 for a period of 5 years only with a condition that stringent criteria shall be adopted thereafter. However, no fresh criteria have ever been laid down/notified and the old 'Siting Criteria' has been followed in selecting the sites for all the stone crushers installed even after the expiry of its outer limit.

7. The Chairman thus directed a spot inspection and report by the Divisional Officer, Pollution Control Committee, Rajouri as also comments from the Chairperson, J&K Pollution Control Committee in regard to the non-notification of fresh 'Siting Criteria'. The Chairman held a similar sitting on 02.07.2022 in which the report made by the Divisional Officer, was discussed and further clarification was sought from him. In regard to the 'Siting Criteria', information provided by the Member Secretary, J&K Pollution Control Committee vide his No.: JKPCC/NGT/21/112/207-209 dt: 31.05.2022 is that preparation of fresh 'Siting Criteria' was in process and the matter is likely to be placed before the Board of the Committee for approval. No further information in this regard, however, has ever been provided, though this Committee has been informally informed that the fresh Criteria is still awaiting the approval of the Board.

**Minutes of the sittings are enclosed as annexure - A & B.**

8. In the meantime, the J&K PCC nominated Mr. Sat Paul, IFS, Regional Director, Jammu region as their nominee to this Joint Committee and the CPCB nominated Dr. Narender Sharma, Additional Director,

*M. W. S.*

*[Signature]*

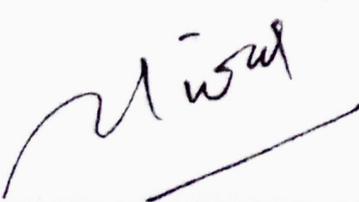
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CPCB, Regional Directorate, Chandigarh as their nominee. Likewise, the State Jal Shakti Department, nominated I/c Chief Engineer, Irrigation & Flood Control, Jammu.

### **Proceedings by the Joint Committee**

9. The Joint Committee held its first meeting on 10.09.2022 which was followed by spot inspection by two of its members (Mr. Sat Paul, IFS and Dr. Narender Sharma) on 11.09.2022 and another meeting of the Committee on 12.09.2022. Yet another meeting of the Committee was held on 10.10.2022.
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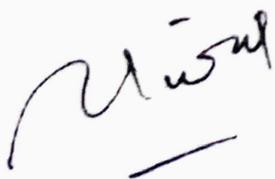


taken by the unit holders, found as on the date of inspection and have also pointed out the failures and the shortcomings. **The said report is enclosed herewith as annexure - C.**

12. After threadbare discussion and deliberations in the matter this Joint Committee makes following observations:

a) Sufficient remedial action seems to have not been taken by any government agency on its part after the Hon'ble NGT Order dated 12.04.2022 inasmuch as the direction issued by the Hon'ble NGT that "till stone crushers in question provide requisite pollution prevention and control system, they may not be permitted to operate" has not been strictly implemented as the two members of this Joint Committee at the time of spot inspection on 11.09.2022 have noticed, on the basis of available stock position, that the units are operating regularly. However, the Regional Director, J&K PCC, Mr. Sat Paul (member of this Committee) informed that the Consent to Operate (CTO) of these units have not been renewed after they had expired in the month of May/June, 2022.

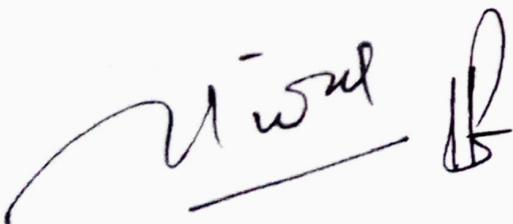
b) The CTO granted by the J&K SPCB (now J&K PCC) to each of the two units in question does not



Feb. 14/11/22

mention anything about the parameters applicable for discharge recycling and mode of discharge with regard to the washing effluent and the solid waste (silt).

- c) The J&K SPCB (now J&K PCC) or the CPCB have not prescribed the standards for monitoring of washing effluent of the stone crushers, but Dr. Narender Sharma (member of the committee) pointed out that 'where industry specific standards are not notified by CPCB in that case general standards notified by CPCB are applicable. General standards have been duly notified and are required to be fulfilled.'
- d) The J&K SPCB (now J&K PCC) did not ensure the periodical measurement of Suspended Particulate Matter by the units in question, which, in our opinion, is an important condition of the CTO related to environmental safety.
- e) The environmental compensation (EC) earlier imposed on the units in question was not calculated in accordance with the mechanism/guidelines laid down by the CPCB, which have been accepted by the Hon'ble NGT.

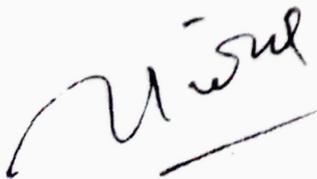


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f) The setting up of new stone crushers in the State of Jammu & Kashmir (now Union Territory) during the last over a decade had been and even now is prone to a fundamental drawback across the board, due to the failure on the part of the J&K SPCB (now J&K PCC) to prescribe fresh 'Siting Criteria' even long after expiry of the five years' outer limit of the earlier 'Siting Criteria' notified far back in the year 2004. The 'Siting Criteria' deals with physical conditions to be fulfilled for selecting the site for installation of a stone crusher *viz a viz* the impact of its operation on the environment and ecology of the area, in particular residential houses and surface water bodies, which are the main source of irrigation and drinking water in this hilly and mountainous Union Territory.

**M/s Diamond Stone Crusher:**

g) The unit has provided dust containment-cum-suppression system for stone crushing equipments. The unit has also constructed wind breaking wall on open sides of the premises. A green belt comprising trees in three rows along the periphery has been provided, as per the conditions of the CTO. However, the trees are yet to fully develop. The dust emitting points *viz.* Jaw crushers and Screeners/Classifier were found enclosed, as per a condition of the CTO.







- h) The approach roads to and in the premises are not metalled as per condition of the CTO.
- i) The representative of the unit holder could not produce any record in regard to the measurement of Suspended Particulate Matter, which the operator of the unit is required to get periodically measured as per a condition of the CTO.
- j) The unit has not provided settling tanks and water recycling system for treatment and recycling of washing effluent containing silt/fines and it is evident that the washing effluent is passed through open earthen channel leading to an earthen pit for settling of the silt. There is no arrangement made for collecting the overflow/treated washing effluent for recycling. The Unit is involved in unscientific disposal of solid waste (silt) into the nearby stream, which also serves as a source of drinking water.

**M/s Shanker Stone Crusher:**

- k) The unit has provided dust containment-cum-suppression system for stone crushing equipments. The unit has also constructed wind breaking wall on open sides of the premises, as per conditions of the CTO. The dust emitting points viz. Jaw crushers and

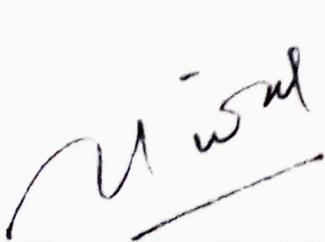
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Screeners-Classifier were found enclosed, as per a condition of the CTO.

- l) The green belt provided by the unit is inadequate and not as per condition prescribed in the CTO. The approach roads to and in the premises are not metalled, as per a condition of the CTO.
- m) The representative of the unit holder could not produce any record in regard to the measurement of Suspended Particulate Matter, which the operator of the unit is required to get periodically measured as per a condition of the CTO.
- n) The unit is involved in unscientific disposal of solid waste (silt) into the nearby stream as, even though the Unit has provided settling tank for treatment of washing effluent containing silt/fines, as there is no arrangement to scientifically collect/remove the settled silt/fine and recycling of treated washing effluent and therefore the system provided is inadequate.
- 13) It may be concluded that even though some remedial actions have been taken by the unit holders, the remedial actions taken so far, post the Hon'ble NGT orders are not adequate and much is desired to be done.



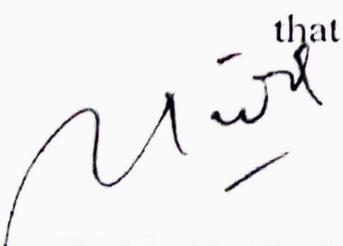


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## Recommendation

- i) Direction may be issued to the J&K PCC to notify the fresh 'Siting Criteria' without any further delay and to revisit the conditions of the CTO, earlier issued/to be issued in future, to stone crushing units, in a manner that new and modern time challenges to environment protection and safety are sufficiently met with.
- ii) Direction may be issued to the J&K PCC to ensure that all the conditions of the CTO granted to a stone crushing unit (Stone Crusher) and the 'Siting Criteria' are strictly fulfilled at any given point of time and, in particular, to ensure the monitoring and fulfillment of the Ambient Air Quality and washing effluent of a stone crusher, as per the general standards laid down and notified by the CPCB/J&K PCC.
- iii) As far as the two units in question are concerned, they may be permitted to operate, that is, their CTO may be renewed only after they fulfill all the conditions of the CTO granted to them to the satisfaction of the J&K PCC, to be personally certified by its Chairman.
- iv) The initial renewal of the CTO of the units in question may be for a period of one month only, which may be further extended only after the J&K PCC is satisfied that all the environment related measures

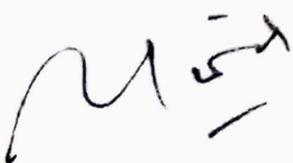


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taken/equipments installed by the units operate satisfactorily, to be personally certified by its Chairman.

- v) Stone crushing, on one hand, is an important industrial sector directly related with infrastructure development of a country as it provides important construction material for construction of roads, highways, buildings canals and what not. But at the same time mass stone crushing causes a serious challenge to environmental safety as it is huge source of emission of fugitive dust at all stages of its activities, like quarrying, transportation and crushing of the raw material and transportation of the crushed material. The fugitive dust, if not controlled and scientifically treated, causes the air pollution by increasing the suspended particulate matter in the air and water pollution by drainage of the silt into water bodies. Noise pollution associated with operation of the stone crushers is another factor. A concerted effort and endeavor is thus required by the unit operators as well as the law enforcing agencies so that all the environmental norms are fulfilled and environmental safety is upheld.
- vi) To ensure environmental safety and purity in general and for parity and not to single out the two units in question, the J&K PCC may be directed to conduct a time bound audit of all the stone crushing units in the UT so that conditions (ii) and (iv) above are fulfilled by all the stone crushing units operating in the UT.

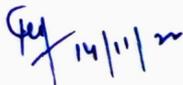


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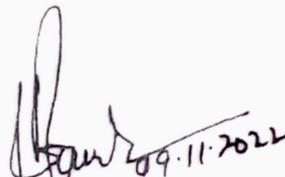
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- vii) The environmental compensation earlier imposed on the units in questions may be reassessed in accordance with the mechanism/guidelines laid down by the CPCB, which have been accepted by the Hon'ble NGT.

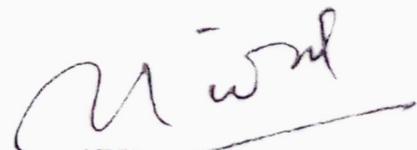
Report is thus submitted.

  
**Dr. Narender Sharma**  
Additional Director  
CPCB,  
Regional Directorate,  
Chandigarh

  
**Manoj Gupta**  
Chief Engineer  
Irrigation & FC  
Jammu

  
**Shri Paul, IFS**  
Regional Director  
J&K PCC  
Jammu

**Vikas Kundal, IAS**  
Deputy Commissioner  
Rajouri

  
**(CHAIRMAN)**

# Annexure- 'A'

J&K Forest Complex  
Gladni, Transport Nagar,  
Narwal, Jammu.



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Mob. 7006411843

**Office of the Chairman, National Green Tribunal (NGT) Monitoring Committee (J&K)**  
(Justice Janak Raj Kotwal)  
(Former Judge High Court of Jammu & Kashmir)

Arti Sharma (Sarpanch) Vs State of Jammu & Kashmir & Ors.  
(Applicant) (Respondent(s))

Original Application No. : 137/2021

Minutes of the sitting held on 14. 05. 2022

(1) In today's sitting in my office, I heard the complainant, Ms. Sharma, Sarpanch Panchayat Halqa, Saranoo, Rajouri assisted by her husband Mr. Rakesh Kumar Raina and the representative (claiming to be partner) of M/S Diamond Stone Crusher, Mr. Zaheer Choudhary and representative (claiming to be proprietor) of M/S Shankar Stone Crusher, Mr. Kiran Sharma, primarily to understand the grievance of the complainant and the response of the Stone Crusher owners. During the sitting following officers of the J&K Pollution Control Committee were also present :

- i. Shri Sat Paul, IFS, Regional Director, Jammu.
- ii. Shri Anupam Kaul, Divisional Officer, Rajouri.

(2) The Regional Director, J&K PCC produced an order issued vide No: 105 JK PCC of 2022 dated 26/04/2022 whereby he has been nominated as the member of the Committee. Letter No: JK PCC/NGT/112/021/37-40

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dated 26/04/2022 whereby Central Pollution Control Board (CPCB) has been requested to nominate its representative for the Committee and a letter issued vide No: JK PCC/NGT/112/021/33-36 dated 26/04/2022 whereby the Principal Secretary to Govt. Irrigation & Flood Control Department has been requested for nomination of his representative for the Committee.

- (3) The complainant was unequivocal in her say that her grievance in regard to illegal digging of the raw material by the Stone Crushers and non fulfillment of pollution control measures to the extent of raising of a boundary protection wall/wind breaking wall around the premises has been mitigated after notice to the violators from the Hon'ble NGT and visit of the committee earlier constituted by the Hon'ble NGT. In regard to fulfillment of other operating conditions relating to environmental safety/status of pollution control devices, the report may be sought from the concerned officers. In regard to the allegation relating to close vicinity of some residential areas to the Stone Crushers, the complainant stated that they were told by the members of the committee that all residential houses fall beyond the prescribed limits.
- (4) Besides, it was noticed that the siting criteria which has important bearing with the location of the stone crusher, referred to in the report of the earlier committee, was published in December 2004 and was in vogue for a period of 5 years only, with the condition that stringent criteria shall be adopted thereafter. However, it appears that no such criteria have been adopted after completion of the said period of five years.



- (5) In view of the above, the Divisional Officer, Pollution Control Committee, Rajouri shall carry out inspection of both the Stone Crushers within a week's time hereafter and make a detailed report about fulfillment of environmental norms/status of PCDs by the aforesaid stone crushers.
- (6) The, Chairperson, J&K Pollution Control Committee is requested to furnish his comments in regard to the Siting Criteria in light of the observation made above.



Chairman

Date: 14<sup>th</sup> May, 2022



**Office of the Chairman, National Green Tribunal (NGT) Monitoring Committee (J&K)**  
**Justice Janak Raj Kotwal**  
**(Former Judge High Court of Jammu & Kashmir)**

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**In the matter of** : **Arti Sharma (Sarpanch)**  
vs  
**State of Jammu & Kashmir & Ors.**

**Original Application No. :** 137/2021

**Minutes of sitting held on 02/07/2022.**

The following officer attended the sitting:

Sh. Sat Paul, IFS, Regional Director, J&K PCC, Jammu.

- (1) Considered the report made by the Divisional Officer, J&K PCC, Rajouri, vide No: PCC/DO/R/2022/236 dt:03/06/2022 in reference to paragraph (5) of the minutes dated 14.05.2022 and the comments of the Chairperson, J&K PCC vide No: JKPC/NGT/21/112/207-209 dt: 31/05/2022 in reference to paragraph (6).
- (2) The report of the Divisional Officer, somehow does not suffice the purpose. The Officer is requested to state clearly the inadequacy in regard to water pollution as stated in columns (a) of his remarks at pages (2) & (5).
- (3) Further, the Divisional Officer shall initiate process for complying with columns (b) & (c) thereof and the Regional Director, J&K PCC, Jammu shall ensure that task is completed at the level of J&K PCC Laboratory before the next date.
- (4) In regard to paragraph (5) supra, the comments of the Chairperson, J&K PCC are taken on record awaiting further comments, if any.

**Sat Paul, IFS**  
Regional Director

*Janak Raj Kotwal*  
Chairman  
2.7.2022

## **Inspection cum Verification Report of the Two Member Committee and current status of compliance by the Stone Crushers, in OA No. 137/2021; Arti Sharma (Sarpanch) Versus State of Jammu and Kashmir & Ors.**

### **1. Background:**

During the Meeting of the Joint Committee constituted by Hon'ble national Green tribunal in the matter of OA No. 137 of 2021; Arti Sharma (Sarpanch) Versus State of Jammu and Kashmir & Ors, held on 10/9/2021, it was resolved that *"two of its members Sh. Sat Paul, IFS, Regional Director J&K PCC Jammu and Dr. Narender Sharma, Additional Director, CPCB shall visit and inspect the spot as may be required, on 11.09.2022 in that the members shall also call the complainant on spot. The inspecting team shall record their observations."*

### **2. Observations made during site visit by Two Member Committee:**

In compliance of the resolution made during the meeting held on 10/9/2022, the sites under reference (M/s Diamond Stone Crusher and M/s Shanker Stone Crusher, VPO Saranoo Tehsil, Distt. Rajouri, J&K) were visited by two member of the Joint Committee on 11/9/2022, to verify the compliance status. The observations made by the two member Committee are submitted as follows:

#### **2.1. M/s Diamond Stone Crusher:**

- The Unit has provided dust containment cum suppression system for stone crushing equipment. Since the Unit was not in operation at the time of visit, the efficiency of the dust containment and suppression system could not be verified. Further, the dry run of the Unit could not be undertaken to see the working of dust containment cum suppression system due to non-availability of the electric supply at the time of visit.
- The Unit has also constructed ~~of~~ wind breaking wall on open sides of the premises. (Photo 1)



**Photograph 1: Wind breaking wall and green belt provided by M/s Diamond Stone Crusher**

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- A green belt comprising trees in three rows along the periphery has been provided, as per conditions of the CTO granted by J&KPCC.
- The roads in the premises are not metalled as per condition of CTO granted by J&KPCC (**Photograph 2**)



**Photograph 2: Non-metalled roads in the premises of M/s Diamond Stone Crusher**

- The dust emitting points viz. Jaw crushers and Screeners/Classifier were found to be enclosed, as per condition of the Consent to operate (**Photograph 3**).



**Photograph 3: Enclosures provided for dust emitting points.**

- Interlocking of conveyors and water spray system with the crushers, as prescribed in CTO could not be verified due to non-availability of the electric supply at the time of visit.
- As per CTO, the Unit is required to get the suspended particulate matter measured at least twice a month for all the 12 months in a year. No such details/copy of analysis reports were provided by the representative of the Unit. J&KPCC may be requested to provide copies of the results provided

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by the Unit or measured by J&K PCC Lab. once in a year as prescribed in the CTO, to the joint committee.

- The Unit has not provided settling tanks and water recycling system for treatment and recycling of washing effluent containing silt/fines. It could be observed that the washing effluent is passed through open earthen channel leading to a earthen pit for settling of the silt. There is no arrangement made for collecting the overflow/treated washing effluent for recycling. The silt/fines settled are discharged into the nearby river and also stored at the at the boundary of the unit, which may also find its way into the river during the rainy season. Therefore, it may be concluded that the Unit is involved in unscientific disposal of Solid waste (Silt) into the nearby river in violation of the conditions of the Consent to Operate granted by J&KPCC (**Photographs 4-7**)



**Photograph 4: Washing effluent containing silt in open earthen channel.**



**Photograph 5: Washing effluent in earthen pit.**



Photograph 6: Silt and washing effluent discharge into the nearby river.



Photograph 7: Silt stored at the bank of nearby river.

- The Unit is using both river water and the ground water in the process (**Photographs 8-9**) . It is obvious that the ground water is used by the Unit during monsoon months when the clarity of water is not good enough to use the same in water sprinklers, since no arrangement has been made for the treatment of raw water, in case the quality is not good for using the water in the sprinklers. Both river water and the ground water are not metered by the Unit, to know the exact quantity used from these two sources. The Unit is not having the NOC for extraction of Ground water. As per documents shared by the Unit, the Unit has obtained permission for using surface water (River water) from Irrigation and Flood Control Division Rajouri vide No. IDR/290-92 dated 20/5/2022.



**Photograph 8: Use of ground water in the process.**



**Photograph 9: Use of surface water in the process.**

- The Unit was not in operation at the time of visit. As per details provided by the Unit, it was operational upto June, 2022. However, the physical condition of the plant (quantum of raw material and finished products stored at site), it appears that the Unit is operating regularly (**Photograph 10**). Therefore, it is to be ensured by J&KPCC that the Unit does not operate till the time requisite pollution control measures are in place, by revoking the Consent to Operate (CTO) and getting the power supply disconnected, as directed by Hon'ble NGT vide its order dated 12/4/2022.



**Photograph 10: Finished products lying at the Unit**

## **2.2. M/s Shanker Stone Crusher:**

- The Unit has provided dust containment cum suppression system for stone crushing equipments. Since the plant was not in operation at the time of visit, the efficiency of the dust containment and suppression system could not be verified. Further, the dry run of the Unit could not be taken to see the working of dust containment cum suppression system due to non-availability of the electric supply at the time of visit.
- The Unit has also constructed wind breaking wall on open sides of the premises, as per conditions of the Consent to Operate granted by J&KPCC (**Photograph 11**).



**Photograph 11: Wind breaking wall provided by the Unit.**

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- The green belt provided by the Unit is inadequate and not as per condition prescribed in the CTO by J&KPCC (**Photograph 12**).



**Photograph 12: Green belt developed by the Unit.**

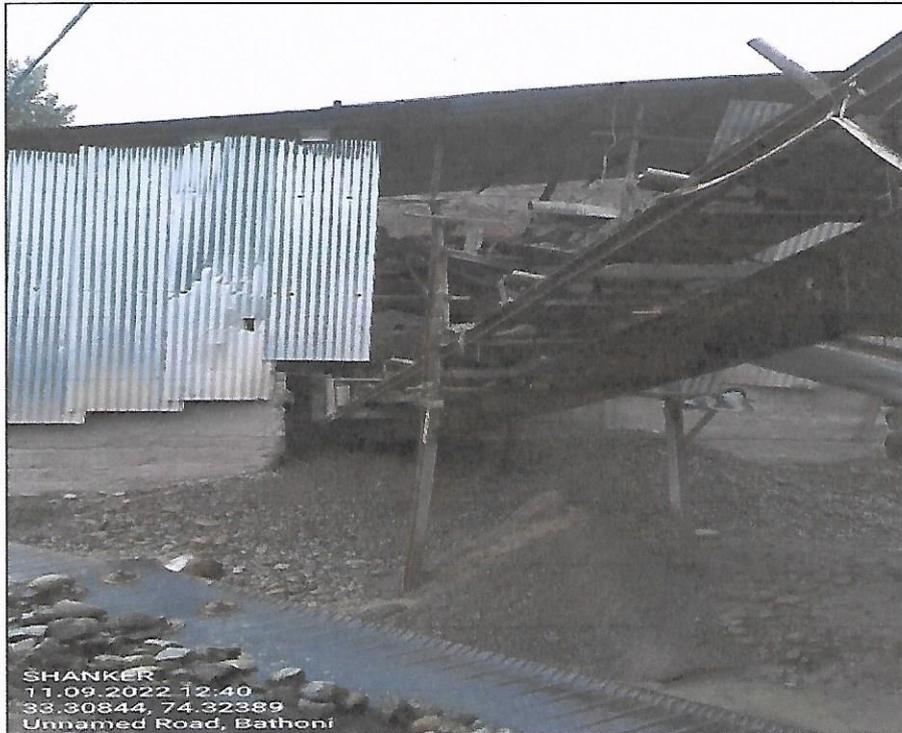
- The roads in the premises are not metalled, as per condition of CTO Granted by J&KPCC (**Photograph 13**).



**Photograph 13: Non-metalled road within the premises of the Unit.**

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- The dust emitting points viz. Jaw crushers and Screeners/Classifier were found to be enclosed, as per condition of the Consent to operate **(Photograph 14)** .



**Photograph 14: Enclosures provided for dust emitting points.**

- Interlocking of conveyors and water spray system with the crushers, as prescribed in the Consent to Operate could not be verified due to non-availability of the electric supply at the time of visit.
- As per Consent to Operate, the Unit is required to get the suspended particulate matter measured at least twice a month for all the 12 months in a year. No such details/copies of the analysis reports, were provided by the representative of the Unit. J&KPCC may be requested to provide copies of the results provided by the Unit or measured by J&K PCC Lab, once in a year as prescribed in the Consent to Operate (CTO), to the joint committee.
- The Unit has provided settling tanks for treatment and recycling of washing effluent containing silt/fines. However, there is no arrangement to scientifically collect/remove the settled silt/fine and recycling of treated washing effluent and therefore the system provided is inadequate. The silt/fines settled are discharged into the nearby river in violation of the conditions of the Consent to Operate (CTO) granted by J&KPCC.

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**Photograph 15: Washing effluent & silt being discharged into the river from settling tank.**

- The Unit is using river water in the process. As per documents shared by the Unit, the Unit has obtained permission for using surface water (River water) from Irrigation and Flood Control Division Rajouri vide No. IDR/261-63 dated 12/5/2022.
- The Unit was not in operation at the time of visit. As per details provided by the Unit, it was operational upto May, 2022. However, the physical condition of the plant (quantum of raw material and finished products stored at site), it appears that the Unit is operating regularly (**Photograph 16**). Therefore, it is to be ensured by J&KPCC that the Unit does not operate till the time requisite pollution control measures are in place by revoking the Consent to Operate (CTO) and getting the power supply disconnected, as directed by Hon'ble NGT vide its order dated 12/4/2022.



**Photograph 16: Finished products lying at the Unit**

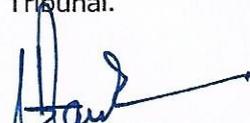
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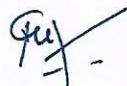
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**Other Observations:**

- The complainant (Ms. Arti Sharma, Sarpanch) was also requested by the Two Member Committee, to join for the site visit. She could not join physically since she was out of station. However, she joined telephonically and confirmed that issue of illegal mining of the river bed material has been resolved now and the stone crushers under reference, have now stopped illegal mining after intervention of the concerned agencies. However, this needs to be verified and confirmed by the Mining Department.
- The river water is being used for drinking purpose by both animals and humans down stream of the stone crushers. Therefore, the discharge of washing effluent and silt into the river may affect the drinking water quality and aquatic life.

The above report of the Two Member Committee is being submitted to the Joint Committee headed by Hon'ble Justice (Retd.) Janak Raj Kotwal, former Judge of J&K High Court, for discussion in the next meeting to be held on 12/5/2022 and inclusion in the report to be filed before Hon'ble National Green Tribunal.

  
Sat Paul, IFS  
Regional Director  
J&K PCC, Jammu

  
Dr. Narender Sharma  
Additional Director  
CPCB, RD, Chandigarh

Date: September 12, 2022