

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH AT NEW DELHI

ORIGINAL APPLICATION NO 137/2021

IN THE MATTER OF:-

ARTI SHARMA (SARPANCH)

PETITIONER

VERSUS

STATE OF JAMMU & KASHMIR & ORS.

RESPONDENTS

Objections in response to the reply/report submitted by answering respondent (Joint Committee)

District Magistrate Rajouri on the basic of enquiry/report submitted by joint action committee of CPCB, State PCB and District Magistrate Rajouri as per the directions of Honourable National green Tribunal ,Principal Bench New Delhi in the matter of Original Application No 137/2021 titled above.

MAY IT PLEASE YOUR LORDSHIPS :

The applicant most respectfully submit as under:-

A)As per the report of district Magistrate Rajouri (Page No -02 under Sub head B of report),The district mineral officer Rajouri served notice to the Stone Crusher who are found indulged in illegal mining and the action taken report submitted by Mohd Imtiaz Drilling Assistant to District Mineral officer Rajouri . The report submitted by Drilling Assistant clearly indicate that the Diomand Stone Crusher and Shankar Stone Crusher were found involved in illegal mining. The allegation made by applicant are true as the report of district Magistrate and director

geology and mining support the allegation made by applicant .Moreover the District Mineral Officer remained mute spectator prior to this

B) As the contents contained under sub-head C of report by district Magistrate Rajouri where in he has stated that the department of geology and mining only came to scene only after the receipt of order from Hon'ble NGT which clearly indicate that the Director of geology and mining of J&K UT (Jammu division) are having hands in glove with mining Mafia and are shielding the culprits .

C) The report submitted to deputy Commissioner Rajouri by director geology and mining is contradictory and against the reality as the lift irrigation scheme located on the left bank of Noweshra Tawi(Manawar Tawi) has totally became defunct where as the report of Director stated that there is no immediate effect of mining on lift irrigation station (sub-head -07 page no 16 of report). Where as in the same report it is agreed upon that the irrigation canal on right bank of river got effected(sub-head -08 Page No -16) it is impossible to understand that how right bank of river is effected and the left bank (on which lift irrigation station is located) remained unaffected . It clearly indicate that the concern officials of geology and mining are in collusion with the mining Mafia.

D) The Director of geology and mining on one hand stated that the Dalhori Nallah is flowing above the water level of Dugwell but they have not stated the distance between the Dugwell and the site of illegal mining and also have not stated that the level of illegal mining site is below the level of Dugwell and is effecting the recharging of this Dugwell .Moreover they have tried to save the culprits by shifting the focus of illegal mining in manawar Tawi and high lighted the Dalohari Nallah which is mere a tributary manawar Tawi

E) More over the report of Director geology and mining stated that fresh mining has been found in NoweshraTawi /Manawar Tawi at a distance of 400-500 mtrs away from Diamond Stone Crusher and 100-150 mtrs from lift irrigation scheme which is a crystal lie as the fresh as well as old remanants of mining were there within a radius of 20-50 mts from Diamond Stone crusher , Shankar Stone Crusher and Lift Irrigation scheme.

F) The factual and action taken report submitted by JKPCB is also contradictory to the ground reality .As per the status of pollution control devices in the report ,the real position is hidden in the report. Some of lies in the report are as under:- i. Dust containment cum suppression system is shown as installed but nothing is such system is functional.

ii. Permanent wind breaking wall is absent ,only one side of the unit has been given a GI sheets structure .

iii. Green belt (Broad leave trees in three rows) along the periphery has been shown as provided inadequately but nothing of such green belt exist there except 4-6 small trees.

iv. All the dust emitting points have been shown in the report as covered but it is far from reality .

G) Moreover the CPCB and JKPCB in their report have stated that after the ban imposed on the mining activities in 2019 by JKPCB , the units were found indulged in illegal mining and penalty of RS 17,500 and Rs 7,41,250 was imposed but ironically this was done only after filing application by the applicant in NGT .it indicates that the concerned officials were in collusion with the mining Mafia and were in hibernation till the applicant approach before NGT and for two years

they remained mute over the loss to environment ,ecology and state exchequer .The penalty of 17,500 or 7,41,250 is mere a cumin seed in camels mouth and this amount cannot compensate the loss of environment due to the negligence and greed of concern officials who kept their pockets warm with money from mining Mafia .The JKPCC in its recommendations in the report have requested to grant more time for assessing the environmental compensation ,their this request may not be considered as they just wasting the precious time of Hon;ble NGT

H) District Magistrate has also served a notice to one of the Crushing unit to deposit the penalty of 7crore on account of losses made to environment ,ecology and river body and the recommendation of District Magistrate Rajouri may kindly be consider and all necessary steps need to be taken to preserve and protect the River body and environment .Permanent Ban may kindly be imposed on these crushers and further allocation of mining blocks need to be put on hold immediately .Whole of Manawaer Tawiand its tributaries from Rajouri town(down stream) upto Noweshera Bridge be declared as NO MINING ZONE to save the fragile eco system , river body, environment and ecology .

Therefore ,It is prayed that

- (A) Hon'ble NGT May kindly order to respondent that the loss to river body, environment and the irrigation canals/Station may be restored
- (B) Hon'ble NGT May kindly impose penalty on basis of polluter pay principles
- (C) Hon'ble NGT May kindly order against officials involved ,may also be penalized.
- (D) Any Other Prayers in the interest of environmental justice

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OA No 137/2021

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//VERSUS//

STATE OF J&K& ORS. RESPONDENTS

AFFIDAVIT

I ARTI SHARMA (SARPANCH)W/O RAKESH KUMAR R/O PANCHAYAT HALQA SARANOdo hereby solemnly affirm on oath as under:

1. That ,I am the applicant in the instant case and fully conversant with the facts of the case and hence, competent to swear on this affidavit.
2. That ,i am filing the objection against the joint committee report,before the Hon'ble Tribunal the Contents from Para 1 to last have been drafted on my instruction and the same have been explained to me by my counsel.
3. That ,i have been read and understood the contents and based on the documents filed along with the application

Arti Sharma
ARTI SHARMA
DEPONENT

VERIFICATION

I The above named deponent do hereby verify that the contents of the paras above are true and correct and no material fact has been concealed.

Signed and verified on this day of April 2022 at Rajouri

Arti Sharma
ARTI SHARMA
DEPONENT



Solemnly Affirmed/ Sworn before me

Swanti Sharma
11/04/22
PUBLIC NOTARY
RAJOURI J&K