



Government of Jammu and Kashmir
J&K Pollution Control Committee
Jammu

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

No:- JKPCC/NGT/23/2016/524.

Date:- 21-09-2021.

Sub:- Compliance report for the directions dt. 28-06-2021 in EA No. 32/2016 in OA 295/2016 in the case titled as "Amresh Singh V/s Union of India & Ors."

Sir,

This refers to the directions of the **Hon'ble National Green Tribunal dt. 28-06-2021 in OA 295/2016**, in the case titled as "**Amresh Singh V/s Union of India & Ors.**", and kindly find enclosed herewith the **compliance report** with annexures with respect to Jammu and Kashmir Pollution Control Committee.

The compliance report may kindly be placed before Hon'ble NGT for consideration please.

Encl:- Compliance Report
(127 leaves)

Yours faithfully,

(B.M. Sharma) IFS
Member Secretary
J&K PCC, Jammu

3. That the Technical Advisory Committee (TAC) constituted by JKPCC has made several field visits for in-depth study of damage caused to the ecology due to the project of widening and four laning of NH-44 stretch under reference. Interim Environmental Compensation vide order dt. 24-03-2021 to the tune of Rs. 2.00 Cr has already been imposed and recovered by Jammu and Kashmir Pollution Control Committee from NHAI.
4. That the TAC of J&K Pollution Control Committee has assessed an amount to the tune of **Rs. 129** Cr (approx) for restoring damage to the environment through implementation of Environment Management Plan (**EMP**) and recommended levying of **2%** on the above said amount as **final Environmental Compensation**, amounting to Rs. **2.58** Cr as a deterrent measure, so that NHAI exercises utmost care towards Ecology and Environment of area and also restores the damages done. Out of above said amount of Rs. 2.58 Cr, Rs. 2 Cr has already been recovered as interim Environmental Compensation. Copy of the order annexed hereto as **Annexure R-II**.
5. That the detailed report including latest inspection dt. 05-08-2021, prosecution proceedings initiated, and water quality analysis has also been submitted to the Chairman NGT - Expert Committee vide no. JKPCC/NGT/23/463-65 dt. 08-09-2021, copy of the communication is annexed hereto as **Annexure R- III**.



Saved Case

Case Details

Case Type	Complaint
Filing Number	741/2021
Filing Date	17-08-2021
Registration Number	44/2021
Registration Date	17-08-2021
CNR Number	JKRB030007412021

Case Status

First Hearing Date	02-09-2021
Next Hearing Date	02-09-2021
Stage of Case	Statement
Court No and Judge	2-Chief Judicial Magistrate Ramban

Complaint/44/2021

JK

Pollution
Control
Committee.
through Its
Member
secretary.

Vs

Sh Rohin
gupta



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Government of Jammu and Kashmir
J&K Pollution Control Committee
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Annex. R-II

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Sub:- Finalization of imposed **Environmental Compensation** on NHAJ authorities for violation of environmental norms while executing the widening and four laning of NH-44 Project under **Section 33 (A), 31 (A) and Section 5** of the **Water (Prevention & Control of Pollution) Act, 1974**, the **Air (Prevention & Control of Pollution) Act, 1981** and **Environment (Protection) Act, 1986**, respectively.

Ref:- i) Hon'ble NGT directions dt. 28/09/2020 and 28/06/2021 in OA No. 295/2016.
ii) JKPCB order no. 50 JKPCB of 2021 dt. 24-03-2021.

ORDER No.: 09-JKPCB of 2021
DATED : 08-09-2021

Whereas, reports about illegal and unscientific dumping and disposal of muck in the course of widening and four laning of National Highway from Udhampur to Banihal by the National Highway Authority of India (NHAJ) and its contractors viz. a) M/s Gammon India Ltd. (GIL), b) M/s Hindustan Construction Company Ltd. (HCCL), and c) M/s Choudhary Power Projects Pvt. Ltd. (CPPPL) were received from the field functionaries of the JKPCB, reporting further that such disposal has affected the environment adversely besides damaging the ecology of the area.

Whereas, on the directions of Hon'ble NGT, two reports dt. 31-07-2020 and 17-09-2020 with regard to above were prepared by the Divisional Officer PCC Ramban and submitted to the Expert Committee constituted by the Hon'ble NGT, and the Hon'ble Tribunal on consideration of report of Monitoring Committee dt. 24-09-2020, was pleased to direct the JKPCB for recovery of **Environmental Compensation** for damages and initiation of prosecution against violators of environmental norms, accordingly.

Whereas, the JKPCB vide its communication dt. 15-12-2020 directed its **Technical Advisory Committee (TAC)** to verify the ground position further and assess the damage caused to the Environment by illegal and unscientific muck dumping by NHAJ.

Whereas, the TAC carried out several field verifications about illegal and unscientific muck disposal by NHAJ through its contractors named above and recommended Interim Environmental Compensation of Rs. 2.00 Cr, which was levied upon NHAJ vide order No. 50 JKPCB of 2021 dt. 24-03-2021.

Whereas, TAC of JKPCB has submitted its final report on 25-08-2021 reflecting therein poor ground position and grave violation of norms related to environmental protection in handling and disposal of muck by NHAJ, as the designated sites have not been developed before hand to retain the muck excavated during the four laning / construction works and the executing agencies kept on dumping the waste, which has caused serious damage to the Environment and Hydro-logical conditions, causing blockade of water course of natural drainage and rivulets besides narrowing the water channels and seasonal nallahs.

Whereas, the damage caused to the bio-diversity, river course, aquatic life, natural plantation, stability of slopes, geological disturbance and erosion of soil on slopes, is irreversible and has resulted in serious environmental concerns.

Whereas, the TAC has assessed an amount to the tune of Rs. 129 Cr (app) for implementation of Environment Management Plan (EMP) for the purpose and recommended levying of 2% on the above said amount as Environmental Compensation, amounting to Rs. 2.58 Cr as a deterrent measure, so that NHAJ exercises utmost care towards Ecology and Environment of area and also restores already done damages.

[Handwritten signature]

Whereas, the NHAI has already paid an amount of Rs 2.00 Cr as Interim Environmental Compensation as per order No. **50 JKPCB of 2021 dt. 24-03-2021** which is to be set off from the total amount of Environmental Compensation of Rs. **2.58 Cr**, thus, making the NHAI liable to pay an additional amount of Rs **0.58 Cr** as **Environmental Compensation**.

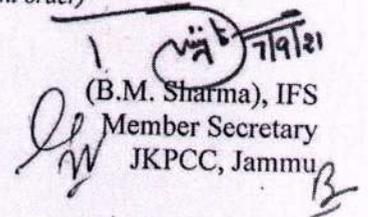
Now, therefore, in exercise of powers vested in the JKPCB under **Section 33 (A), 31 (A) and Section 5** of the **Water (Prevention & Control of Pollution) Act 1974**, the **Air (Prevention & Control of Pollution) Act, 1981** and **Environment (Protection) Act, 1986** respectively, read with the directions of Hon'ble NGT in its order dt. **28-09-2020** and **28-06-2021** in OA No. **295/2016**, the NHAI shall deposit a sum of **Rs. 0.58 Cr** (Rupees Fifty Eight lakh only) as **Environmental Compensation** in addition to Rs. 2,00,00,000/= (Two crores only) already paid as interim Environmental Compensation, in terms of final assessment of damage of the ecological loss. The recovery of Environmental Compensation on Polluter Pays Principles shall be the part of enforcement strategy and not a substitute of the compliance to be done as recommended by the Monitoring / Expert Committee of Hon'ble NGT.

Accordingly, **Regional Officer**, National Highway Authority of India (NHAI), Jammu is hereby directed under **Section 5** of the **Environment (Protection) Act 1986** to deposit a sum of **Rs. 0.58 Cr** (Rupees Fifty Eight lakh only) in the **Environmental Compensation Fund Account No. 0023040510000001** of the JK PCC in J&K Bank Ltd. within **45** days without fail and on lapse of above said period, an interest @ **12%** on the **Environmental Compensation** amount shall accrue, at the risk and responsibility of the National Highway Authority of India.

Further, the NHAI is also directed to take mitigation measures for implementation of Environment Management Plan by keeping **Rs. 129 Cr. (app.)** proposed, as budgetary provisions in the project, for the referred purpose.

(Order No. 50 JKPCB of 2021 dt. 24-03-2021 shall be treated as part of the instant order)

'As approved by the Competent Authority'.


(B.M. Sharma), IFS
Member Secretary
JKPCC, Jammu

No. JK PCB/LSJ/NGT/23/39-45
Date:- 08/09/2021.

Copy to the:-

- i) Commissioner / Secretary to Govt., Department of Forest, Ecology and Environment, Civil Secretariat, Jammu / Srinagar (*Member Secretary NGT Monitoring Committee on NH widening and Four Laning Project*) for information.
- ii) Deputy Commissioner, Ramban for information and necessary action.
- iii) **Regional Officer, National Highway Authority of India, Jammu for immediate compliance.**
- iv) Regional Director, Pollution Control Committee, Jammu for information and necessary action.
- v) Divisional Officer, Pollution Control Committee, Ramban for information and necessary action.
- vi) P.A. to Chairman for information of Chairman J&K Pollution Control Committee, Jammu.
- vii) I/c website for uploading the order on JKPCB website.



Government of Jammu and Kashmir
J&K Pollution Control Committee
Jammu

Annexure-R III

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The Commissioner / Secretary to Government,
Department of Forest, Ecology and Environment,
(The Member Secretary NGT Monitoring Committee on NH Four Laning Project),
Civil Secretariat,
Jammu / Srinagar

No. JKPC/NGT/23/ 463-65

Dated :- 08-09-2021

Sub :- Latest compliance report on widening and four laning of NH-44 in the case titled as Amresh Singh V/s Union of India & Ors.

Ref:- Hon'ble NGT order dt. 28-09-2020 and 28-06-2021 in EA No. 32/2016 in OA No. 295/2016 titled Amresh Singh V/s Union of India & Ors.

Sir,

In compliance to the directions of Hon'ble NGT under reference, the JK PCC imposed interim Environmental Compensation of Rs. 2.00 Cr upon NHAI, and the penalty has also been recovered. The Technical Advisory Committee (TAC) of the JK PCC constituted for assessment of the final Environmental Compensation, has now submitted its final report dt. 27-08-2021 after inspection done on 05-08-2021 and recommended levying of Rs. 2.58 Cr as Environmental Compensation including Rs. 2.00 Cr already imposed as interim Environmental Compensation.

An amount of Rs. 129 Cr (app) has been assessed for mitigation measures for implementation of Environment Management Plan (EMP) by the NHAI to restore environmental damage and 2% of the above said amount has been imposed as Environmental Compensation. A copy of final report of Technical Advisory Committee (TAC) is enclosed as **Annexure-I**.

In view of above and in compliance of the directions of the Hon'ble NGT, JK PCC has taken following actions :-

- I. Environmental Compensation of Rs. 2.00 Cr has been imposed on NHAI vide order No. **50 JKPCB of 2021 dt. 24-03-2021**, copy enclosed as **Annexure-II**.
- II. Prosecution proceedings have also been filed against National Highway Authority, Regional officer and the office bearers of its contractors viz. M/s Gammon India Ltd., M/s Hindustan Construction Company and M/s Choudhary Power Projects Pvt. Ltd, in the court of Hon'ble CJM Ramban on 17-08-2021 vide complaint registration no. **44/2021 dt. 17-08-2021**. The next date of hearing has been fixed on **24th September 2021**. Details are annexed hereto as **Annexure-III**.
- III. In addition to above, the water quality of the river and streams alongside the National Highway Project is also being monitored regularly. The details are enclosed as **Annexure-IV**.

Hence submitted for the favour of information and further necessary action at your end.

Encl: Annexure-I to IV

Yours faithfully,

(B. M. Sharma)
Member Secretary
JKPCC Jammu

Copy along with enclosures to the :-

- (i) P.A. to Chairman (Justice (Retd.) Sh. J.R. Kotwal), NGT Monitoring Committee, J&K, Gladni, Transport Nagar, Narwal Jammu for information of Chairman, Monitoring Committee.
- (ii) P.A. to Chairman, JK PCC for information of the Chairman.

REPORT ON THE ASSESSMENT OF EMP & ENVIRONMENTAL COMPENSATION OF NH-44, RAMBAN.



NH
44



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NATIONAL HIGHWAYS AUTHORITY OF INDIA WELCOMES



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CHAPTER-1

1.0 Background and Overview of the Area:

Ministry of Road Transport and Highways (MoRTH) has taken up the development of North-South Corridor connecting Srinagar (J & K) to Kanyakumari (Tamilnadu). The National Highways Authority of India (NHAI) has been entrusted with implementation of this vital infrastructure development project. The general approach adopted for the 4-laning of the NH-44 in Nashri-Banihal Section (Km 130 to Km 188), covers construction of new 2-lane carriage way parallel and 1.5 m to 2 m (at most of the places) above the existing road and keep the existing 2-lane road as a carriage way at most of the places.

The existing highway from Nashri (Km 130) to Banihal (Km 188) passes through some of the steepest terrains and most complex geological conditions which closely-bedded and fractured shales / mudstones with alternate bands of sandstones in Murree Formation and Metamorphic rocks in Pirpanjal ranges comprising of Phylatites, slates, Shiest etc. and are highly weathered/sheared/faulted. A number of major and minor landslides are also found along the alignment.

The present report encompasses the environmental conservation measures required to be taken by the executing agencies of the NHAI in compliance to the conditions of Environmental Clearance, while carrying out the widening of the NH-44 Project stretch from Km 130 to Km 188 (Nashri to Banihal; covering Package- III, IV and V) in Ramban District of the union territory of Jammu and Kashmir, India.

The project got Environmental Clearance (EC) from Govt. of India MoEF & CC dt. 31.08.2010 vide F. No. 10-3/2010-IA.III (enclosed as **Annexure-I**) with binding **specific and general conditions** which include necessary mitigative measures against adverse impact on the water bodies that are to be affected and to develop green belt as suggested in EMP. Further, longitudinal drainages shall be provided all along the project road to ensure proper drainage of the area.

The binding condition of the EC also covers the biological measures along the slopes which shall be provided with vegetative turfing to avoid soil erosion. The EC also covers the periodic reporting i.e. six monthly report to be submitted to the Regional Office of the Ministry at Chandigarh regarding the implementation of the stipulated conditions in the EC. The project was cleared by the **MoEF & CC Govt. of India, New Delhi** with the binding conditions of EC.

The **NHAI** has put minimum effort in implementation of the conditions of the EC on the ground, violating the basic genesis of the Environmental Clearance on basis of which project got clearance with respect to Environmental point of view from the Ministry of Environment and Forests, GoI, New Delhi.

As per the EIA / EMP submitted by the project proponent at the time of taking clearance from the MoEF & CC, it is found that total amount of the project (Chainage km **130.00** to km **188.00**) is Rs. **1309.40** Crores (source 2006 EIA /EMP/Cost Estimates Report) and **average cost per km of road stretch** Rs. **27.19** crores per km. for the laying of NH-44 highway road. Out of Rs. 27.19 crores per km. length of road, **Rs. 1.78 lacs per km (Avg) is kept for civil works and Rs 11.21 lacs per km for non-civil works primarily for environmental monitoring and plantation** which is meager amount with regard to environmental protection of the slopes where muck is dumped and affected due to the road construction activities. The unscientific disposal of muck along the slopes towards the river side has caused severe damage to the flora-fauna and river morphology and could have secondary impacts on the nearby Salal Hydro Electric Project due to siltation in the Chenab River.

The breakup of the total project cost and cost for the Environmental components/environmental measures for civil and non-civil works is here as under.

Table: 1.1 Break-up of Cost of Project & Environmental Management Plan (km 130 to km 188) as per DPR prepared by NHAI

S. No.	Stretch	Project Cost (Cr.)	# Env. Improvement Budget (Civil Works)	# Env. Improvement Budget (Non-Civil Works)
1.	Km 130 to km 151 (21 kms)	Rs. 453.21* Rs. 21.58 Cr/km	Rs. 59.87 Lacs (Rs. 2.85 lac/km)	Rs. 450.56 Lacs (Rs. 21.45 lac/km)
2.	Km 151 to km 172.6 (21.6 kms)	Rs. 553.19** Rs. 37.90 Cr/km	Rs. 22.50 Lacs (Rs. 1.04 lac/km)	Rs. 108.11 Lacs (Rs. 5.0 lac/km)
3.	Km 172.6 to km 188 (15.4 kms)	Rs. 303.00*** Rs. 22.10 Cr/km	Rs. 22.60 Lacs (Rs. 1.47 lac/km)	Rs. 110.77 Lacs (Rs. 7.19 lac/km)
Total		Rs. 1309.40 Cr (Rs. 27.15 Cr/km) (Avg)	Rs. 104.97 Lacs Rs. 1.78 Lac/km (Avg)	Rs. 669.44 Lacs Rs. 11.21 Lac/km (Avg)

Total Env. Budget = Rs. 104.97 Lacs
+ Rs. 669.44 Lacs
= Rs. 774.41 Lacs
= **Rs. 7.74 Cr**

*Reference: 1.8 Table of DPR Vol-VII, Package No. NS-96/J&K prepared by NHA

** Reference: Summary of cost of DPR Vol-II, Package No. NS-95/J&K prepared by NHAI

*** Reference: Summary of cost of DPR Vol-II, Package No. NS-94/J&K prepared by NHAI

Reference derived from above mentioned DPR

1.1 Terms of Reference:

1. The JKPCC vide order no. 91- JKPCB of 2020 dt. 07-07-2020 has constituted a Technical Advisory Committee (TAC) for assessment of Environmental Compensation to the violators of Environmental laws. Dr. Narender Sharma, Additional Director, CPCB Regional Directorate, Chandigarh has been nominated by the competent authority to represent CPCB in the Technical Committee constituted by the Board, who could not attend the inspection on account of pre-occupation.
2. The ToR of the Joint Committee comprising TAC members, CPCB representative and NHAI representative is to assess the environmental damages occurred during ongoing widening and four laning work of NH-44 due to unscientific disposal of muck from Nashri to Banihal and to submit comprehensive report to the authorities along with Environmental Compensation to be recovered from the defaulting agency.

CHAPTER-2

2.0 Environment Management Plan for conservation of the area:-

The **Environment Management Plan (EMP)** submitted by the NHAI along with Environment Impact Assessment report at the time of seeking Environmental Clearance (EC) for the protection of the environment is as follows:

a) Environment Improvements (Civil Works):-

i) Section km 130-151 of NH-1A in Jammu and Kashmir

Package No. NS-96/J and K

Cost Estimate

Bill 13 : Environmental Improvements (Civil Works)					
Item No.	Description	Unit	Estimated Quantity	Rate In Rs.	Amount in Rs.
13.01	Plantation & maintenance of shrubs in median complete as per Additional Technical Specifications Clause No. A-1.	Sq.m.	92,439	58	5,361,462
13.02	Construction of Over Head Monkey Crossings at locations as per the drawings no. LBG/BQ/167/FPPR/1/1MC - 01 and as approved by the Engineer.				
	(a) Tubular Gantry (All elements of Tubular Gantry such as pipes, structures, nuts, bolts etc.sahll be measured and paid in metric tonnes.)	Mt.	6	54,406	326,436
	(b) 25 mm thick wooden platform	Sq.m.	300	1,000	300,000
Total Carried to the Page Collection					5,987,898

ii) Section km 151 to km 172.60 :-

Bill No. 13 : Environmental Improvements (Civil Works)					
Item No.	Description	Unit	Estimated Quantity	Rate In Rs.	Amount in Rs.
13.01	Plantation & maintenance of shrubs in median complete as per Additional Technical Specifications Clause No. A-1.	Sq.m.	23,000	58	1,334,000
13.02	Construction of Over Head Monkey Crossings at locations as per the drawings no. LBG/BQ/167/FPPR/1/1MC - 01 and as approved by the Engineer.				
	(a) Tubular Gantry (All elements of Tubular Gantry such as pipes, structures, nuts, bolts etc.sahll be measured and paid in metric tonnes.)	Mt.	6	52,832	316,992
	(b) 25 mm thick wooden platform	Sq.m.	300	1,000	300,000
13.03	Construction of Monkey feeding area at locations decided by Engineer and fixing 2 (Two) boards of size 800 mm x 600 mm as per Technical Clause No. 801 for public awareness of this measure complete as per drawing no. LBG/BQ/167/FPPR/1/1MF - 01 and as approved by the Engineer.	No.	3	100,000	300,000
Total Carried to the Page Collection					2,250,992

**Rehabilitation, Strengthening and Four Lining of Udhampur - Banihal
Section Km 172.60 - 187.00 of NH-1A in the State of Jammu and Kashmir
Package No. NS-94/J and K
Cost Estimate**

Bill 12 : Environmental Improvements (Civil Works)					
Item No.	Description	Unit	Estimated Quantity	Rate In Rs.	Amount in Rs.
12.01	Plantation & maintenance of shrubs in median complete as per Additional Technical Specifications Clause No. A-1.	Sq.m.	23,000	58	1,334,000
12.02	Construction of Over Head Monkey Crossings at locations as per the drawings no. LBG/BQ/167/FPPR/1/1MC - 01 and as approved by the Engineer.				
	(a) Tubular Gantry (All elements of Tubular Gantry such as pipes, structures, nuts, bolts etc. shall be measured and paid in metric tonnes.)	Mt.	6	54,406	326,436
	(b) 25 mm thick wooden platform	Sq.m.	300	1,000	300,000
12.03	Construction of Monkey feeding area at locations decided by Engineer and fixing 2 (Two) boards of size 800 mm x 800 mm as per Technical Clause No. 801 for public awareness of this measure complete as per drawing no. LBG/BQ/167/FPPR/1/1MF - 01 and as approved by the Engineer.	No.	3	100,000	300,000
Total Carried to the Page Collection					2,260,436

b) Environment Improvement (Non-Civil Works):-

i) Section Km 130-151 of NH-1A in Jammu and Kashmir

Package No. NS-96/J and K

Cost Estimate

Bill No. 14 : Environmental Improvements (Non-Civil Works)					
Item No.	Description	Unit	Estimated Quantity	Rate In Rs.	Amount in Rs.
14.01	Environmental Monitoring thought the construction phase by installing necessary monitoring equipments as per the details given the EIA & EMP document.	Month	36	45,000	1,620,000
14.02	Environment Friendliness Training cum Refresher Course for the entire work force.	Lump Sum	1	25,000	25,000
14.03	Water Sprinkling for Dust Control	Month	36	74,700	2,689,200
14.04	Aforestation				40,722,000
Total Carried to the Page Collection					45,056,200

ii) Section km 151 to km 172.60:-

Bill No. 14 : Environmental Improvements (Non-Civil Works)					
Item No.	Description	Unit	Estimated Quantity	Rate In Rs.	Amount in Rs.
14.01	Environmental Monitoring thought the construction phase by installing necessary monitoring equipments as per the details given the EIA & EMP document.	Month	48	45,000	2,160,000
14.02	Environment Friendliness Training cum Refresher Course for the entire work force.	Lump Sum	1	25,000	25,000
14.03	Water Sprinkling for Dust Control	Month	48	74,700	3,585,600
14.04	Aforestation				
	a) Forest/slate Land to be acquired	Hect	48	5,191,182	249,176,736
	b) Compensatory Plantation		29,435	171	5,040,580
Total Carried to the Page Collection					259,987,916

c) Rehabilitation, Strengthening and Four laning of Udhampur-Banihal

Section Km 172.60-188.00 of NH-1A in the State of Jammu and Kashmir

Package No. NS-94/J and K

Cost Estimate

Bill No. 13 : Environmental Improvements (Non-Civil Works)					
Item No.	Description	Unit	Estimated Quantity	Rate In Rs.	Amount in Rs.
13.01	Environmental Monitoring thought the construction phase by installing necessary monitoring equipments as per the details given the EIA & EMP document.	Month	36	45,000	1,620,000
13.02	Environment Friendliness Training cum Refresher Course for the entire work force.	Lump Sum	1	25,000	25,000
13.03	Water Sprinkling for Dust Control	Month	36	74,700	2,689,200
13.04	Aforestation				
	a) Forest/slate Land to be acquired	Hect	13	5,191,182	69,509,927
	b) Compensatory Plantation		15,288	441	6,743,121
Total Carried to the Page Collection					80,587,248

d) Discussion:-

A large quantity of muck is generated from road widening project which is required to be disposed of in a planned and scientific manner, so that it does not cause any adverse impact on the environment. If the muck is not disposed of in the designated areas, followed with proper engineering and biological measures, it may cause damage to the ecology of the area and also increase the sedimentation in the river bed and can further pose a potential threat to the nearby water works and hydroelectric projects.

The continuous disposal of muck in a haphazard and unscientific manner also leads to a number of other environmental issues such as loss of nutrients of the top soil. As the top soil is not available in large quantity in this part of fragile hilly region, it is very necessary to be preserved for the vegetation growth in the area and for maintaining the ecological balance in the region.

The muck disposed unscientifically in the slopes can slide further down the stream during rains and may eventually wash off shrubs, trees and other vegetation along with other important primary structures in the area. So, in the interest of preservation of environment, it is necessarily that muck be disposed of in a proper scientific manner, applying standard engineering skills for the protection of the environment and also the road structure along the embankment of the river course. The dumping sites have to be designated with desired capacity and the executing agencies should not dispose of the muck in excess of the capacity of the dumping sites, which they are doing despite repeated notices to the NHAI.

The dumping sites need to be rehabilitated through integrated bio technological approach

and also for the development of landscapes in the area. Proper drainage system needs to be provided to ensure un-obstructed flow of runoff in the river. The slopes along which the muck is disposed should be stabilized with suitable species of trees, shrubs and other bio mass generating grasses.

e) The Environmental Conservation measures include: -

- i) **Engineering Measures:** by way of retaining walls, breast walls, toe walls for the protection work along the slopes. The engineering work also includes the compaction and levelling of the dump sites in order to reduce the bulk density of themuck thereby optimizing the use of muck disposal in a scientific manner.
- ii) **Biological Measures:** the top surfaces and slopes of dumping sites of all dumping areas needs to be protected by vegetation cover which controls the hydrological and mechanical effects on soil and slopes. In order to stabilize the loose slopes and stabilization of slopes, the biological measures are required, which includes plantation, soil treatment, turfing etc.
- iii) **Environmental Monitoring:** is also a significant parameter for checking the air andwater quality of the area. Any project activity causing air and water pollution needs to be continuously monitored for the remedial measures to be proposed for maintaining the air and water quality of the area.

In the on-going project of widening of National Highway, NH-44, all these aspects have been studied and found that not adequate measures are planned for the protection of the area and to control the potential impact to the air, water, soil, noise and other aspects ofthe environmental parameters. The budgetary provisions kept in the EMP at the time of envisaging the project seems to be very nominal keeping in view the environmental safeguards required for the protection of the environment.

It is felt prudent to place on record the budgetary provisions kept for the environmental management at the time of planning of the project which shows the least importance given with regard to environmental concerns.

2.1 Status of compliance of Environmental Clearance by NHAI:-

The Environmental Clearance was granted to the NHAI for the project vide GoI No. F. No. 10-3/2010-IA.III dt. 31-08-2010 with **Specific** and **General Conditions**, and the account of compliance status is given as below :-

EC S.No.5	Specific conditions	Compliance status
i.	A confirmation shall be obtained from Defense Authorities to the effect that the road meets the required standards for the movement of troops and other heavy vehicles.	<i>Pertains to confirmation from Defense Authorities w.r.t. standards for the movement of troops and other heavy vehicles.</i>
ii.	Sufficient measures shall be taken to prevent land sliding, rock blocks rolling/falling on the forest area and damaging the trees.	<i>No compliance observed w.r.t. this condition on ground.</i>
iii.	Necessary mitigative measures against adverse impact to the water bodies that are to be affected shall be provided.	<i>No measures taken on the ground w.r.t. impact to the water bodies as much is being disposed along the slopes towards river side and no adequate measures have been taken.</i>
iv.	The road profile shall be raised on the low-lying structures to prevent flooding of road.	<i>Pertains to design of the road.</i>
v.	Green belt development shall be undertaken as suggested in EMP.	<i>Budgetary provisions of Rs. Is kept for afforestation/ development of green belt but nothing on ground is visible so far except meagre plantation at few sites.</i>
vi.	Rain water harvesting including oil and grease trap shall be provided. Water harvesting structures shall be located at every 500 mts along the road. Vertical drain type rainwater harvesting structures shall be set-up to minimize surface runoff losses of rainwater.	<i>Non compliance on this aspect is done by NHAI</i>
vii.	The seismic nature of the area shall be taken into account while designing the project.	<i>Pertains to design</i>
viii	No ground water shall be used for the project.	<i>Pertains to Ground Water Authority.</i>
ix.	The project proponent shall obtain necessary permission from the State Irrigation Department before drawing water from the river sources for the purpose of the proposed construction activity.	<i>Pertains to Irrigation & Flood Control Dept of the Govt. of J&K.</i>
x.	Sidewalk shall be provided along the bridges.	<i>Pertains to design to be implemented by NHAI.</i>
xi.	The drain shall be at least 1 m. away from the toe of the embankment of the road adopting IRC guidelines.	<i>Pertains to design.</i>

xii.	Longitudinal drains shall be provided allalong the project road to ensure properdrainage of the area. In addition, adequate number of under passes and culverts to act as cross drainage structures shall also be provided.	<i>No compliance observed.</i>
xiii.	The solid waste generated shall be used for rehabilitating the borrow areas.	<i>No compliance observed.</i>
xiv.	For providing safety to the crossing animals and avoid road accidents speed breakers/rumbled strips shall be constructed at the identified locations of the animal movements. Enough hoardings and signages shall also be put up for the public and vehicles convenience.	<i>No compliance observed.</i>
xv.	Minimum of three times the number of trees to be cut shall be planted. It shall be ensured that the trees planted as a part of the afforestation shall be looked after by NHAI. Tree plantation shall be of the same species/local species and survival shall be monitored. Transplantation of trees shall be carried out wherever possible. The tree plantation shall be taken up on the extreme end of the road.	<i>No compliance observed.</i>
xvi.	Necessary permission for tree felling from the concerned department shall be obtained before commencement of the project work and copies of the same shall be submitted to this Ministry.	<i>Pertains to Forest Dept.</i>
xvii.	Adequate number of underpasses shall be provided in the habitation areas. The details of such underpasses shall be provided to the Ministry within 6 months from the date of issue of this letter.	<i>No compliance observed.</i>
xviii.	Necessary clearance from the State Government shall be obtained for extraction of sand from the rivers.	<i>Pertains to Geology & Mining Dept</i>
xix.	Proper signage shall be installed at appropriate locations for the convenience of the traffic movement.	<i>No compliance observed.</i>
xx.	The embankments/slopes and the slopes left after cuttingshall be provided with vegetative turning to avoid soil erosion.	<i>No compliance observed.</i>
xxi.	The hot-mix plant shall be located at least 500 mts. away from habitation and on the barren land to avoid its adverse impact on the human population.	<i>JK PCC has granted consent to the HMPs of the executing agencies of theNHAI.</i>

xxii.	Rehabilitation and payment of compensation to the project affected people (PAPs) shall be made as per the policy of the State Government.	<i>Pertains to Revenue Dept.</i>
xxiii.	Noise barriers shall be provided at appropriate locations particularly in the areas where the alignment passes through inhabited areas so as to ensure that the noise levels do not exceed the prescribed standards.	<i>No compliance observed.</i>
xxiv.	Details of the use of fly ash in the project shall be provided to the Ministry before its initiation. In any case, the project shall utilize fly ash in the construction of road embankments as per the provisions of Notification S.O. No.763 (E), dated 14.09.1999 as amended vide S.O. 979 (E) dated 27.08.2003.	<i>Pertains to the MoRTH & Regional Office of MoEF & CC GoI.</i>
xxv.	For road safety, IRC guidelines in respect of road signages, service roads, bus bays, inter-sections, pedestrians crossings, etc. shall be strictly adhered to.	<i>Pertains to MoRTH & Regional Office of MoEF & CC.</i>
xxvi.	There shall be no blasting of rock.	<i>Pertains to Explosive Dept.</i>
xxvii.	Adequate number of underpasses for the animals shall be provided in the sanctuary and in the forest area in consultation with the Forest Department.	<i>Pertains to Forest Dept.</i>
xxviii.	Authorities to the effect that the road meets the required standards for the movement of troops and other heavy vehicles.	<i>Pertains to Defense Authorities & MoRTH.</i>
xxix.	Sufficient measures shall be taken to prevent and sliding, rock blocks rolling/ falling on the forest area and damaging the trees.	<i>No compliance observed.</i>

EC S. No. 6	General Conditions	Compliance Status
i.	Adequate provision for infrastructure facilities including water supply, fuel and sanitation must be ensured for construction workers during the construction phase of the project to avoid any damage to the environment.	<i>No compliance w.r.t. sanitation is observed. No STP/ SWM observed as per Rules.</i>
ii.	Appropriate measures must be taken while undertaking digging activities to avoid any likely degradation of water quality.	<i>No compliance observed w.r.t. channelization of fresh water nallahs.</i>

iii.	<p>Borrow sites for each quarry sites for road construction material and dump sites must be identified keeping in view the following:-</p> <p>a) No excavation or dumping on private property is carried out without written Consent of the owner.</p> <p>b) No excavation or dumping shall be allowed on wetlands, forest areas or other ecologically valuable or sensitive locations.</p> <p>c) Excavation work shall be done in close consultation with the Soil Conservation and Watershed Development Agencies working in the area, and</p> <p>d) Construction spoils including bituminous material and other hazardous materials must not be allowed to contaminate water courses and the dump sites for such materials must be secured so that they shall not leach into the ground water.</p>	<p>a) <i>Pertains to project executing agencies.</i></p> <p>b) <i>Pertains to Forest Dept.</i></p> <p>c) <i>Pertains to Soil Conservation & Watershed Development Dept.</i></p> <p>d) <i>No safeguard measures observed.</i></p>
iv.	<p>The construction material shall be obtained only from approved quarries. In case new quarries are to be opened, specific approvals from the competent authority shall be obtained in this regard.</p>	<p><i>Pertains to Geology & Mining Dept.</i></p>
v.	<p>Adequate precautions shall be taken during transportation of the construction material so that it does not affect the environment adversely.</p>	<p><i>No compliance observed w.r.t. transportation of the construction material as material is transported in uncovered trucks/dumpers.</i></p>
vi.	<p>Borrow pits and other scars created during the road construction shall be properly leveled and treated.</p>	<p><i>Pertains to project executing agencies/ NHAI.</i></p>
vii.	<p>Adequate financial provision must be made in the project to implement the aforesaid safeguards.</p>	<p><i>No adequate financial provision is kept in the project to implement the aforesaid safeguards w.r.t environmental protection.</i></p>
viii.	<p>The project proponent will set up separate environmental management cell for effective implementation of the stipulated environmental safeguards under the supervision of a Senior Executive.</p>	<p><i>No such cell is set up by project executing agencies/NHAI.</i></p>
ix.	<p>Full support shall be extended to the officers of this Ministry /Regional Office at Chandigarh by the project proponent during inspection of the project for monitoring purposes by furnishing full details and action plan including action taken reports in respect of mitigation measures and other environmental protection activities.</p>	<p><i>Pertains to Regional Office MoEF, Chandigarh.</i></p>

x.	A six-Monthly monitoring report shall need to be submitted by the project proponents to the Regional Office of this Ministry at Chandigarh, regarding the implementation of the stipulated conditions:	<i>Pertains to Regional Office MoEF, Chandhigarh.</i>
xi.	Ministry of Environment & Forests or any other competent authority may stipulate any additional conditions or modify the existing ones, if necessary in the interest of environment and the same shall be complied with.	<i>Pertains to Regional Office MoEF.</i>
xii.	The Ministry reserves the right to revoke this clearance if any of the conditions stipulated are not complied with the satisfaction of the Ministry.	<i>Pertains to Regional Office MoEF/MoEF & CC, GoI.</i>
xiii.	In the event of a change in project profile or change in the implementation agency, a fresh reference shall be made to the Ministry of Environment and Forests.	<i>Pertains to Regional Office MoEF/MoEF & CC, GoI.</i>
xiv.	The project proponents shall inform the Regional Office as well as the Ministry, the date of financial closure and final approval of the project by the concerned authorities and the date of start of land development work.	<i>Pertains to Regional Office MoEF/MoEF & CC, GoI.</i>
xv.	Safety provisions such as bus bays, service roads intersection improvement etc. will be carried out by the project proponent. The project proponent shall provide adequate facilities as per IRC norms/guidelines.	<i>No compliance observed.</i>

EC S. No. 7.	These stipulations would be enforced among others under the provisions of Water (Prevention and Control of Pollution) Act 1974, the Air (Prevention and Control of Pollution) Act 1981, the Environment (Protection) Act, 1986, the Public Liability (Insurance) Act, 1991 and EIA Notification 2006, including the amendments and rules made thereafter.	<i>Legal/Show Cause Notices issued by JK PCC to project executing agencies/NHAI. Also EC to the tune of Rs. 2.00 Crores imposed on NHAI.</i>
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CHAPTER-3

3.0 Inspection of the dumping sites by Technical Advisory Committee (TAC):-

The latest inspection of different sites of the ongoing four laning project from Nashri to Banihal was done by Technical Advisory Committee (TAC) on **5th August, 2021**, and observed violations with regard to environmental damage caused by the NHAI executing agencies by way of indiscriminate dumping of large quantity of muck / debris along the slopes of the hilly terrain towards river side causing damage to the water body, aquatic life and morphology of the river course.

At various sites, it is observed that no drainage has been made by the executing agency in compliance to the conditions of the Environmental Clearance for proper channelization of storm water and water passing through the nallahs. The natural drainage / course of nallahs was found blocked by the debris / boulders thereby changing the natural course of the nallahs causing erosion to the natural slope towards river side.

With regard to required environmental conservation measures, it is observed by the committee that no adequate measures have been taken so far by the executing agencies for the protection of slopes and to prevent the soil erosion. The large quantity of muck has been found disposed of in the **designated sites (39 Nos.)** whereas, the executing agencies has also dumped the muck unauthorizedly in the **non-designated sites (17 Nos.)** along the slopes of the river Chenab. No proper and adequate protection work including laying of Gabion and retaining walls has been done by the executing agency as envisaged in the proposed EIA / EMP report submitted by the NHAI while seeking clearance from the Ministry of Environment, Forests & Climate Change, GoI, New Delhi.

The Project Director of NHAI and its executing agencies are not taking adequate care of the stipulated conditions of the Environmental Clearance granted by the MoEF & CC as a environmental safeguard during the construction and widening of the four laning project from Nashri to Banihal chainage Km 130 to Km 188 and thus violating the environmental norms with impunity.

The Technical Advisory Committee (TAC) also observed that in the sites which are over saturated with the dumping capacity, no biological measures in term of vegetation along the slope, has been taken by the executing agencies, thereby allowing the muck to flow directly into the river.

It is concluded that since the first visit of Monitoring Committee constituted by the Hon'ble NGT orders dt. **24-08-2018** in O.A. **295/2016** and the reporting thereof till to - date, **no substantial change on the ground** is visible in the shape of **environmental conservation measures** taken to protect the ecologically fragile area.

It is also obvious that the amount of muck which has been disposed of into the river is going to settle in the Chenab river and may cause silting of the Salal Dam, Reasi, which may have impact on the operation of Salal Hydroelectric Project in future.

3.1 Detail of Dumping Sites:-

There are **39 Nos.** of dumping sites from Nashri to Banihal, which are designated by the Government of J&K for disposal of muck in a scientific manner and in addition to that there are also **19 Nos.** non-designated dumping sites which have been created by the Project Agencies on their own without the approval of the Government and indiscriminate muck is being dumped in these sites, over and above their capacity, and in an unscientific manner, causing damage to the ecology of the area.

The details of dumping sites is given as under along quantity of muck generation and capacity utilization, which gives a clear picture that at many places, the capacity is overutilized without following *engineering and biological measures* necessarily required for the compaction of loose soil and prevention of further erosion of soil. This may cause damage to the river course, loss of flora-fauna, natural morphology and over all geographical features of the area which is eco sensitive and fragile.

The top soil of the earth which is highly rich in nutrient for the plant growth and agricultural productivity and it is also lost during the construction activity, which was necessarily required to be preserved in specific designated sites for re-use later on for better vegetative growth. This was also one of the top priorities of the executing agency to protect and prevent the soil loss and soil erosion in the area, which the Nature must have taken several thousand years to form.

Table 3.1: Designated Dumping Site Details (km 130 to km 151) from Nashri to Ramban:-

S.No.	Name of the Site /Village	Chainage in km (NB/SB)	Title of the land / Designated / Non designated	Area In Hectare	Original Capacity of Dumping Site (cu.m)	Capacity Utilisation (%)	Status
1.	Nashri	130+690 to 130+800 (NB)	Forest Land Designated	1.00	95000	60 %	Closed but illegal dumping is going on/ Land Sinking.
2.	Nashri (near Lucky Dhaba)	131+280 to 131+350 (NB)	Pvt. Land Designated	0.61	60000	144 %	Closed
3.	Sarga Temple	132+400 to 132+500 (NB)	Forest Land Designated	1.20	110000	103 %	In-use.
4.	Dhalwas	132+700 to 133+100 (NB)	Non Designated	-	-	-	Land slide debris dumped /Road sinked.
5.	Dhalwas- I	133 +350 to 133+400 (NB)	NHAI Acquired (Pvt. Land) Designated	0.98	72000	105 %	Closed
6.	Dhalwas- II Near School	133 +420 to 133+460 (NB)	NHAI Acquired (Pvt. Land) Designated	1.01	72000	-	Closed
7.	Dhalwas- Peerah- I	134 +770 To 134+820 (NB)	Forest Land Designated	5.07	520000	104 %	In-use
8.	Dhalwas- Peerah- II	135+300 to 135+350 (NB)	Forest Land Designated	7.55	780000	115 %	In-use
9.	Sawani- I	135+900 to 135+940 (NB)	NHAI Acquired (Pvt. Land) Designated	1.76	140000	95 %	Closed but illegal dumping is going on.
10.	Sawani- II	136+760 to 136+810 (NB)	NHAI Acquired (Pvt. Land) Designated	2.83	218648	111 %	Closed
11.	Sawani –III Peerah Near Dam View Hotel	138+050 to 138+100 (SB)	Pvt. Land Designated	1.89	179645	185 %	In-use
12.	Near 44 Bridge Tunnel (T-1, T-2)Kunfer Nallah, Chanderkote	139+297 To 139+319 (SB)	(Tunnel Site) Non - Designated	-	-	-	Illegal dumping is going on/ Nallah is getting choked.

13.	Chanderkote (Near 84 Bn CRPF Camp)	141+200 To 141+320 (NB)	Pvt. Land Designated	1.76	3750	120 %	Closed but illegaldumping is going on.
14.	Near 48 Bridge Chanderkote	143+360 to 143+380 (SB) 20 m	Non Designated	-	-	-	Illegal dumping is going on.
15.	Near 48 Bridge Chanderkote	143+400 to 143+420 (SB) 20 m	Non Designated	-	-	-	Illegal dumping is going on.
16.	Near 48 Bridge Chanderkote	143+720 to km 143+740 (SB) 20 m	Non Designated	-	-	-	Illegal dumping is going on.
17.	Near Jaswal Bridge	144+500 to km 144+520 (SB)	Pvt. Land Non Designated	-	-	-	Closed, Muck overflow. Gabion needs to be raised.
18.	Kanathi (Karol-I) Bridge 51 (Near Hotel Khana Khazana)	144+950 to 144+970 (SB)	Pvt. Land Designated	0.48	33500	127 %	Closed
19.	Kanathi - Karol- II Near Kundi Nallah Bridge-53.	145+440 to 145+500 (SB)	Pvt. Land Designated	0.78	78000	112 %	Closed
20.	Kanathi	145+520 to 145+620 (SB)	Pvt. Land Designated	1.76	140000	111 %	Closed
21.	Kanathi -II	145+620 to 145+850 (SB) (230 m)	Non Designated	-	-	-	Illegal dumping is going on.
22.	Near Kundi Nallah Bridge 53 (New Identified site)	145+850 to 145+900 (SB) 50 m	State Land Designated	-	-	-	In-use
23.	Kanathi- Karol (Near Amar Punjabi Dhaba) (New Identified site)	146+094 to 146+180 (SB) 86 m	State Land Designated	-	200000	203 %	In-use
24.	Opp. Horticulture Office Gate	146+200 to 146+230 (SB)	Non Designated	-	-	-	Illegal Dumping isgoing on.

25.	Neera (Opp. PHE Water Filling Station) (New Identified site)	147+225 to 147+525 (SB) 300 m	State Land Designated	-	250000	162 %	In-use
26.	Cafeteria Morh Ramban (Opp. Army Camp Maitra) (New Identified site)	147+850 to 148+700 (SB) 850 m	State Land Designated	-	100000	150 %	In-use
27.	Kowbagh, Ramban	149+650 To 149+750 (SB)	Forest Land Designated	1.55	140000	171 %	Closed

Note: Total Sites= 27 Nos, Designated Sites=20 Nos & Non-Designated Sites=07 Nos.

Table-3.2: Designated Dumping Site Details (km 151 to km 188) from Ramban to Banihal:-

S.No.	Name of the Site /Village	Chainage inkm (SB)	Title of theland/ Designated /Non designated	Area In Hectare	Original Capacity of Dumping Site (cu.m)	Capacity Utilisation (%)	Status
1.	Seri-Chamba	150+330 to 150+900	Non Designated (Old BRO site)	-	-	-	Illegal dumping is going on.
2.	Seri –Near Shiv Temple	151+350	Pvt. Land Non Designated	-	-	-	Closed
3.	Seri	152+800	Pvt. Land Designated	2.16	64375	100 %	Closed
4.	Marog-I	154+000 to 154+200	Forest Land Designated	0.14	243200	100 %	Closed
5.	Marog-II (Near Tunnel T-2)	155+000 to 155+100	Pvt. Land Designated	2.15	205200	100 %	In-use
6.	Marog-III	155+760 to 155+870	Non Designated	-	-	-	Slide debris dumped.
7.	Battery Chaishma	158+710 to 158+960	Forest Land Designated	0.18	45360	100 %	Closed
8.	Anokhe Fall	159+100 to 159+400	Forest Land Designated	0.30	343200	90 %	In-use
9.	Digdole	160+060 to 160+200	Non Designated	-	-	-	Slide debris dumped.
10.	Digdole- I	161+200 to 161+580	Forest Land Designated	4.70	878900	75 %	In-use
11.	Digdole- II	161+650 to 162+000	Forest Land Designated	1.10	447700	100 %	Closed
12.	Digdole- III	163+200 to 163+290	Forest Land Designated	1.40	260923	65 %	In-use
13.	Panthyal	165+750 to 165+910	Forest Land Designated	0.26	26000	60 %	In-use

14.	Mompassi	167+000 to 167+680	Forest Land Designated	0.47	55543	100 %	Closed
15.	Near Ramsu Bridge	167+780	Non Designated	-	-	-	Illegal dumping is going on
16.	Near Ramsu Foot Bridge	168+450	Non Designated	-	-	-	Illegal dumping is going on.
17.	Ramsu	168+680 to 169+100	Pvt. Land Designated	2.31	58072	54.83 %	In-use
18.	Gangroo-Ramsu	169+600 to 169+750	Pvt. Land Designated				
19.	Hingni	170+950 to 171+250	State +Private+Forest Land Designated	1.30	35000	100%	Closed
20.	Near Kishtwari Pathar	173+530 to 173+800	Non Designated	-	-	-	Illegal dumping is going on.
21.	Sherbibi	175+400 to 176+200	Pvt. Land Designated	9.40	528640	80 %	In-use
22.	Sherbibi-I	176+900	Non Designated	-	-	-	Illegal dumping is going on.
23.	Chamalwas	177+000 to 177+050	Pvt. Land Designated	0.15	8400	98%	Closed
24.	Chamalwas-I	177+400	Non Designated	-	-	-	Illegal dumping is going on.
25.	Rattanwas-I	179+200 to 179+500	Pvt. Land Designated	2.3	67200	85 %	In-use
26.	Rattanwas- II	179+560 to 179+820	Pvt. Land Designated				
27.	Rattanwas-III	181+580 to 181+650	Pvt. Land Designated	0.93	48000	90 %	In-use
28.	Kharpora Banihal	181+690 to 181+740	Non Designated	-	-	-	Illegal dumping is going on.
29.	Banihal-I & II	-	Pvt. Land Designated	2.5	9773	100 %	Closed

Note: Total Sites= 29, Designated Sites=19 Nos and Non-Designated Sites=10 Nos.

3.3 Observations of the Technical Advisory Committee (TAC) during site inspection:-

The inspection was conducted on 5th August, 2021 and observations made are as under:-

a) Observations in stretch from Nashri to Ramban (km 130 to km 151):-

S.No	Name of the site	Chainage in km	Assessment of existing Dumping Sites
1.	Nashri (110 m)	130+690 to 130+800 (NB)	No protection work has been taken in this stretch thereby violating the environmental conditions of the MoEF & CC. No channelization / drainage of water is being done along the stretch.
2.	Sarga Temple (100 m)	132+400 to 132+500 (NB)	Channelization of Nallah has not been completed thereby causing the choking of the Nallah.
3.	Dhalwas	132+700 to 133+100 (NB)	Landslide debris dumped /Road Sinking.
4.	Dhalwas- Peerah- I (50 m)	134 +770 to 134+820 (NB)	Status is same as was earlier as dumping is still continuing withno protection work.

5.	Dhalwas- Peerah-II (50 m)	135+300 to 135+350 (NB)	Status is same as was earlier as dumping is still continuing with no protection work. Peerah Nallah getting choked due to muck dumping and needs to be channelized. Gabion are found damaged.
6.	Sawani- I (40 m)	135+900 to 135+940 (NB)	Site Closed but illegal dumping is still going on. No protection provided. The muck is thrown illegally which has choked the Peerah Nallah.
7.	Sawani –III (Near Dam ViewHotel) (50 m)	138+050 to 138+100 (SB)	Green cover has come up in some portion of this site. The protection work needs to be strengthened for protection of the Peerah nallah.
8.	Near 44 Bridge Tunnel (T-1, T-2)Kunfer Nallah, Chanderkote.	139+297 to 139+319 (SB)	<i>In this stretch, an Illegal dumping is still going on. The Kunfer Nallah in this area is getting blocked, which needs to be channelized properly.</i>
9.	Chanderkote (Near 84 BN CRPF Camp) (120m)	141+200 to 141+320 (NB)	There is a violation observed with regard to disposal of muck which is directly going into Chenab river. Gabion needs to be provided.
10.	Chanderkote (Near 48 Bridge) (20 m)	143+360 to 143+380 (SB)	In this stretch no protection work has been taken by the agency for the conservation of muck which is being disposed directly into Chenab River. Gabion needs to be provided.
11.	Chanderkote (Near 48 Bridge) (20 m)	143+400 to 143+420(SB)	No protection work in this area also and disposal of muck isbeing done unscientifically causing environmental damage.
12.	Chanderkote (Near 48 Bridge) (20 m)	143+720 to 143+740(SB)	No protection work in this area also and disposal of muck isbeing done unscientifically causing environmental damage
13.	Kanathi (Karol-I) Bridge 51 (Near Hotel Khana Khazana) (20 m)	144+950 to 144+970 (SB)	The site also needs further strengthening by way of protection work. Although the natural green cover has come up in the undulating slopes which are not maintained as per the engineering measures.
14.	Near Kundi Nallah (Bridge 53) (New Identifiedsite) (50 m)	145+620 to 145+850 (SB) 145+850 to 145+900 (SB)	The muck is being disposed in excess of the quantity of the designated site and also choking of nallah is observed. It is observed that lot of muck in excess of desired capacity is being dumped, whereas it is also observed that muck is being disposed and dumped in the area which is not allotted to the agency. Protection measures require in this area as well.
15.	Kanathi- Karol (Near Amar Punjabi Dhaba) (New Identified site) (86 m)	146+084 to 146+094 (SB) 146+094 to 146+180 (SB)	The muck is being disposed in excess of capacity of the site and no slope angle is being maintained, thereby causing erosion of soil and muck is going directly into the Chenab River. Protection works are urgently required in this area.
16.	Opp. Horticulture Office Gate (30 m)	146+200 to 146+230 (SB)	The status is same as above. Needs urgent protection.
17.	Neera (Opp. PHE Water Filling Station) (New Identifiedsite) (300 m)	147+225 to 147+525 (SB) 147+525 to 147+560 (SB)	In this stretch, muck going into Chenab River. Protection structure needs to be strengthened as per the capacity of the dumping site.
18.	Cafeteria Morh Ramban (Opp.Army Camp Maitra) (New Identifiedsite) (850 m)	147+850 to 148+700 (SB)	Muck is directly going into Chenab River as slopes are not compacted and maintained scientifically. Protection work is required in this area as well.

P.S.- S. No. 3,8,10,11,12 are non-designated sites

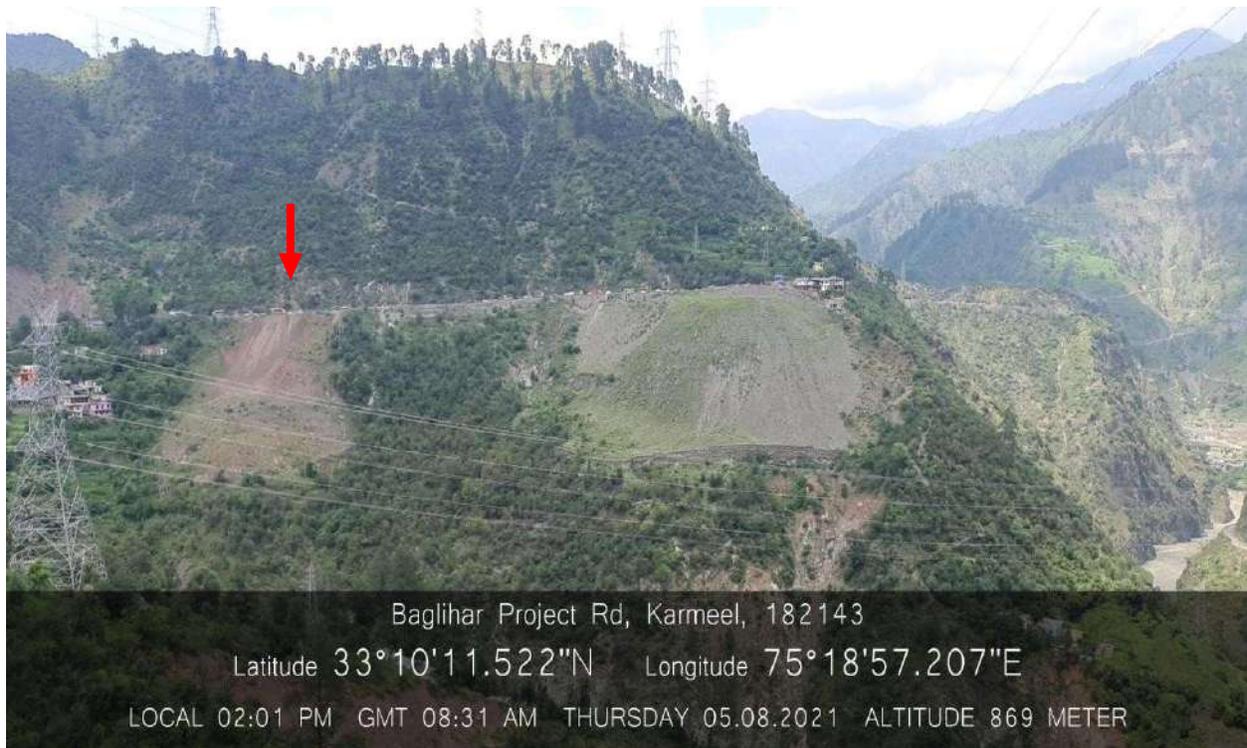
b) Observations of the Technical Advisory Committee (TAC) in stretch from Ramban to Banihal (km 151 to km 188):-

S. No.	Description of the site	Chainage in km (SB)	Specific Observations
1.	Seri-Chamba	150+330 to 150+900	Needs protection work along the slopes and also proper drainage.
2.	Marog -II	155+000 to 155+100	The site is already over saturated. The agency is still disposing muck in the area in violation of norms. No adequate protection work and measures have been taken by the agency which is urgently required for the protection of the environment.
3.	Near Battery Chaishma	158+710 to 158+960	As reported the status of this site is unchanged and no protection measures has still being taken by the agency, which includes channelization work.
4.	Anokhe Fall	159+100 to 159+400	Protection work is required.
5.	Digdole-I	161+200 to 161+580	Protection work is required in this stretch, dumping still continuing.
6.	Panthyal (Near Tunnel T-3 & T-4)	165+750 to 165+910	Protection work is required in this stretch as well. Panthyal nallah needs to be channelized for proper water course and protection of thenallah.
7.	Near Ramsu Bridge	167+780	Protection work is required in this stretch, dumping still continuing.
8.	Near Ramsu FootBridge	168+450	Protection work is required in this stretch, dumping still continuing.
9.	Ramsu & Gangroo-Ramsu	168+680 to 169+100 and 169+600 to 169+750	Protection work is required in this stretch, dumping still continuing unscientifically.
10.	Near Kishtwari Pathar	173+530 to 173+900	Protection work is required in this stretch as well. Bislari nallah needs to be protected with civil works. Illegal Muck dumping going on/Bislari nallah is getting choked.
11.	Sherbibi	175+400 to 176+200	Protection work is required in this stretch, dumping still continuing.
12.	Sherbibi-I	176+900	Protection work is required in this stretch, dumping still continuing.
13.	Chamalwas	177+000 to 177+050	Protection work is required in this stretch, dumping still continuing.
14.	Chamalwas-I	177+400	Dumping is still continuing in this stretch without taking any measures for protection of Nallah.
15.	Ratanwas-I & II	179+200 to 179+500 and 179+560 to 179+820	Strengthening of protection work is required. No adequate measures are taken for protection of Bislari Nallah.
16.	Kharpora Banihal	181+690 to 181+740	Protection work is required in this stretch, dumping still continuing Illegal dumping going on.

P.S:- S. No. 7,8,10,12,14,16 are non-designated sites

3.3 Photographs of the Dumping Sites:

a) Nashri to Ramban.



Pic-1: Dumping is being done on closed site.



Pic-2: Dumping is being done on closed site. No site Protection done.



Pic-3: Dumping is being done on closed site. No site Protection done.



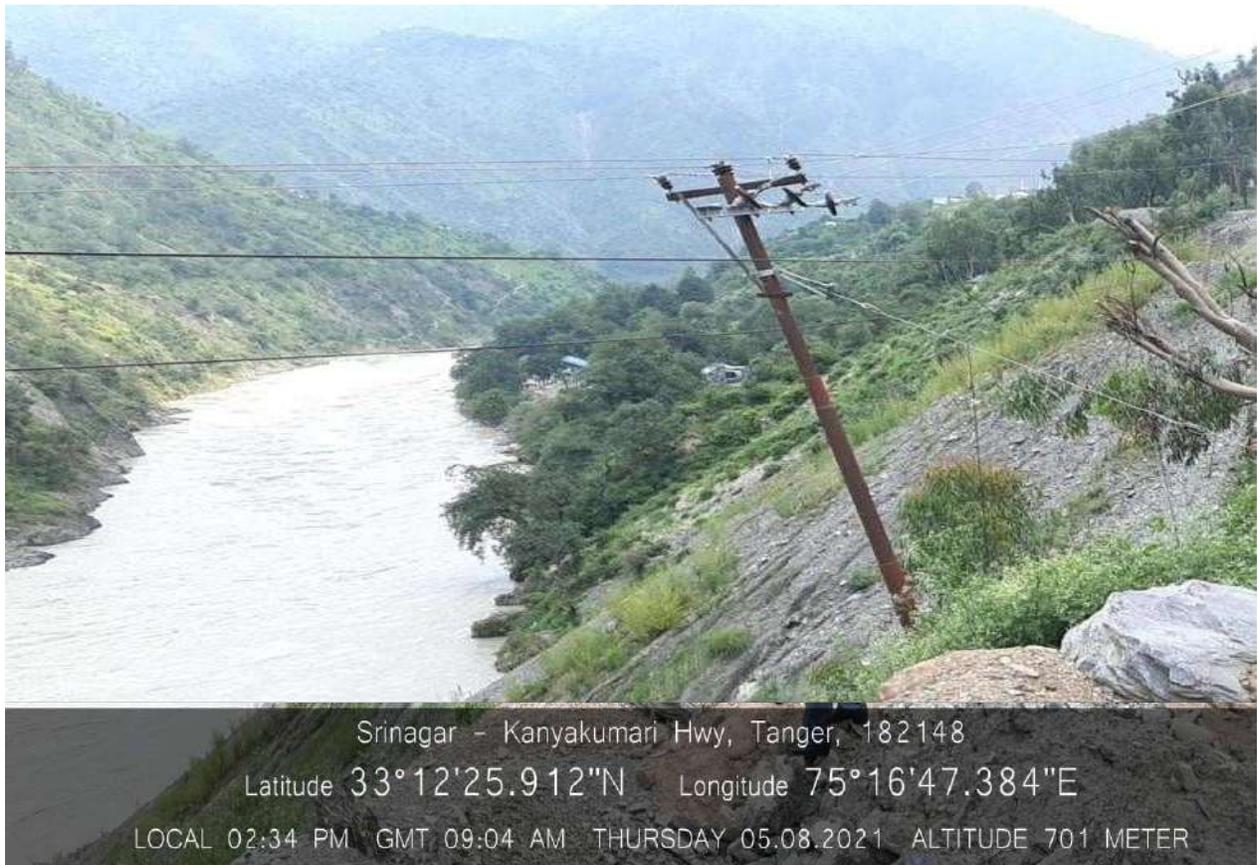
Pic-4: Dumping is being done on closed site. No site Protection done.



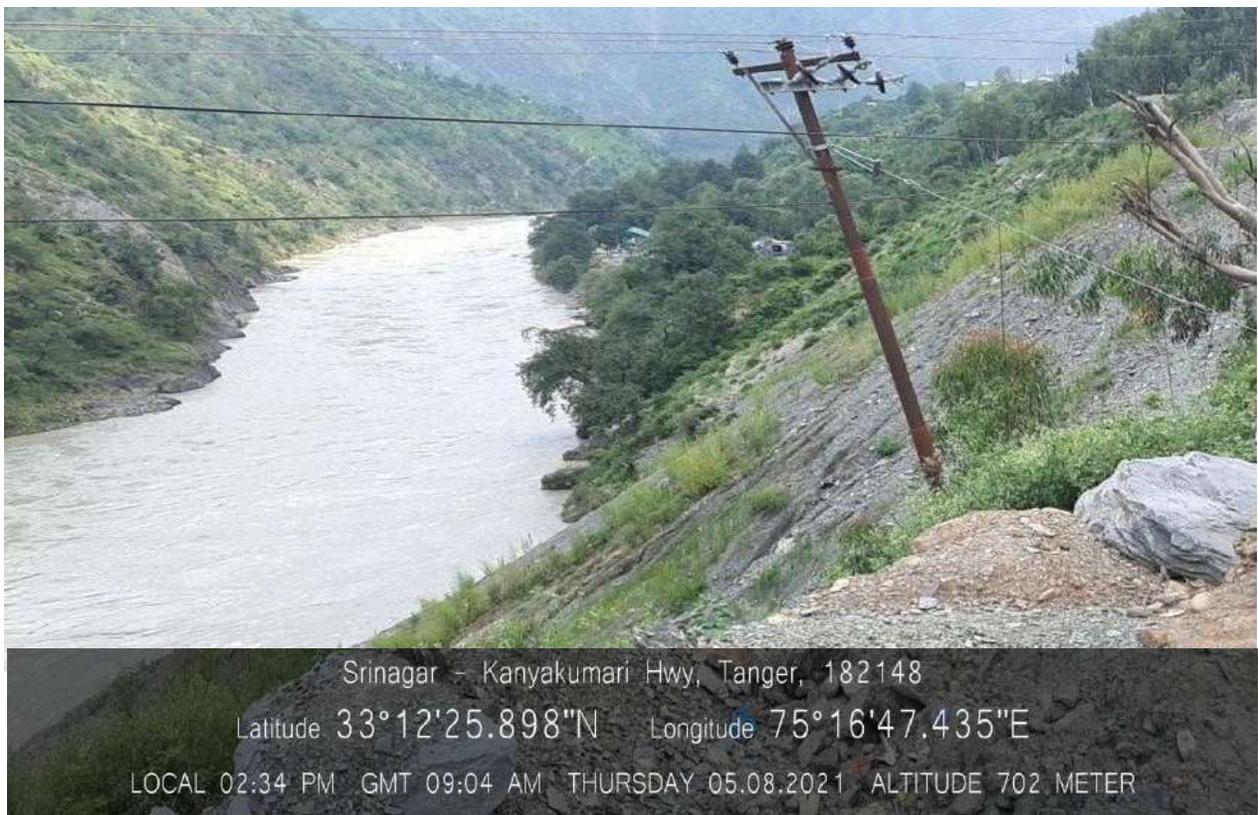
Pic-5: Illegal dumping is being done in Kunfer nallah.



Pic-6: Kunfer Nallah is getting choked due to illegal dumping. Needs to be Channelized



Pic-7:



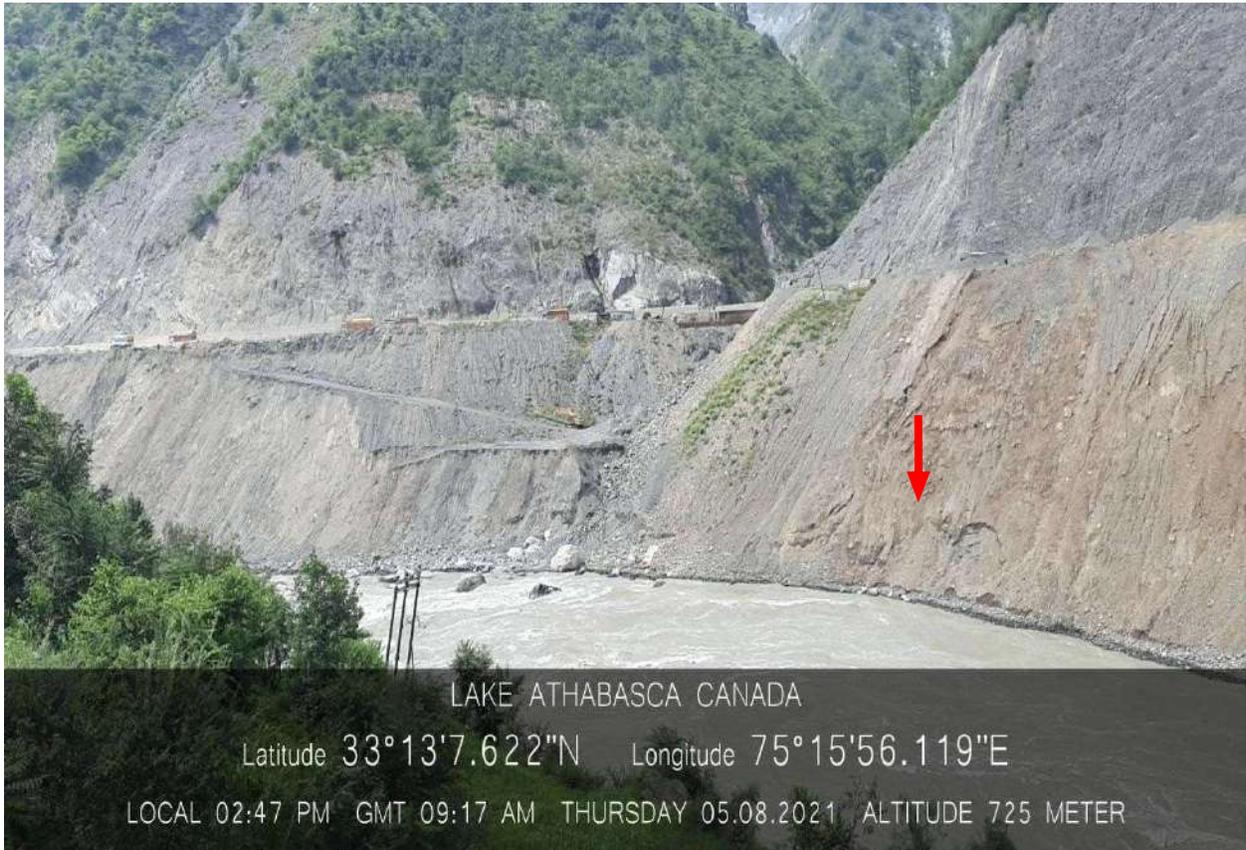
Pic-8:



Pic-9:



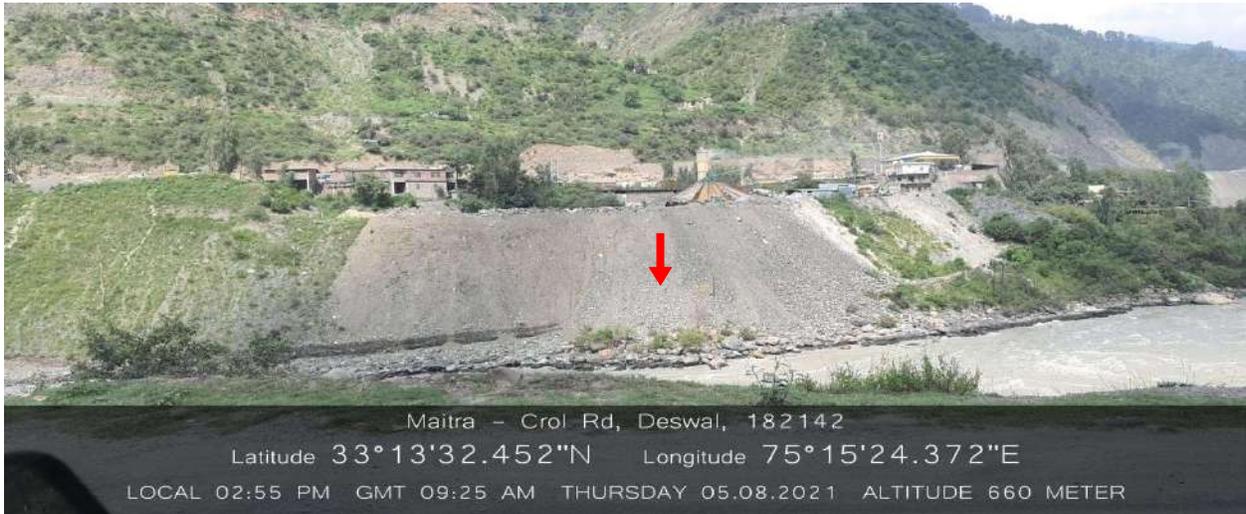
Pic-10:



Pic-11:



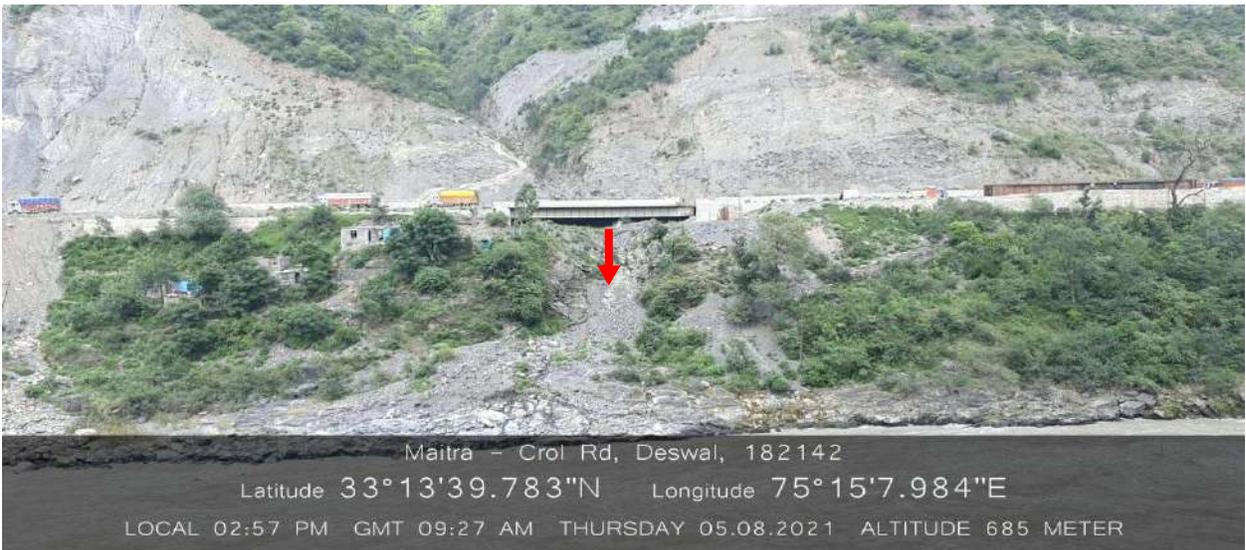
Pic-12:



Pic-13:



Pic-14:

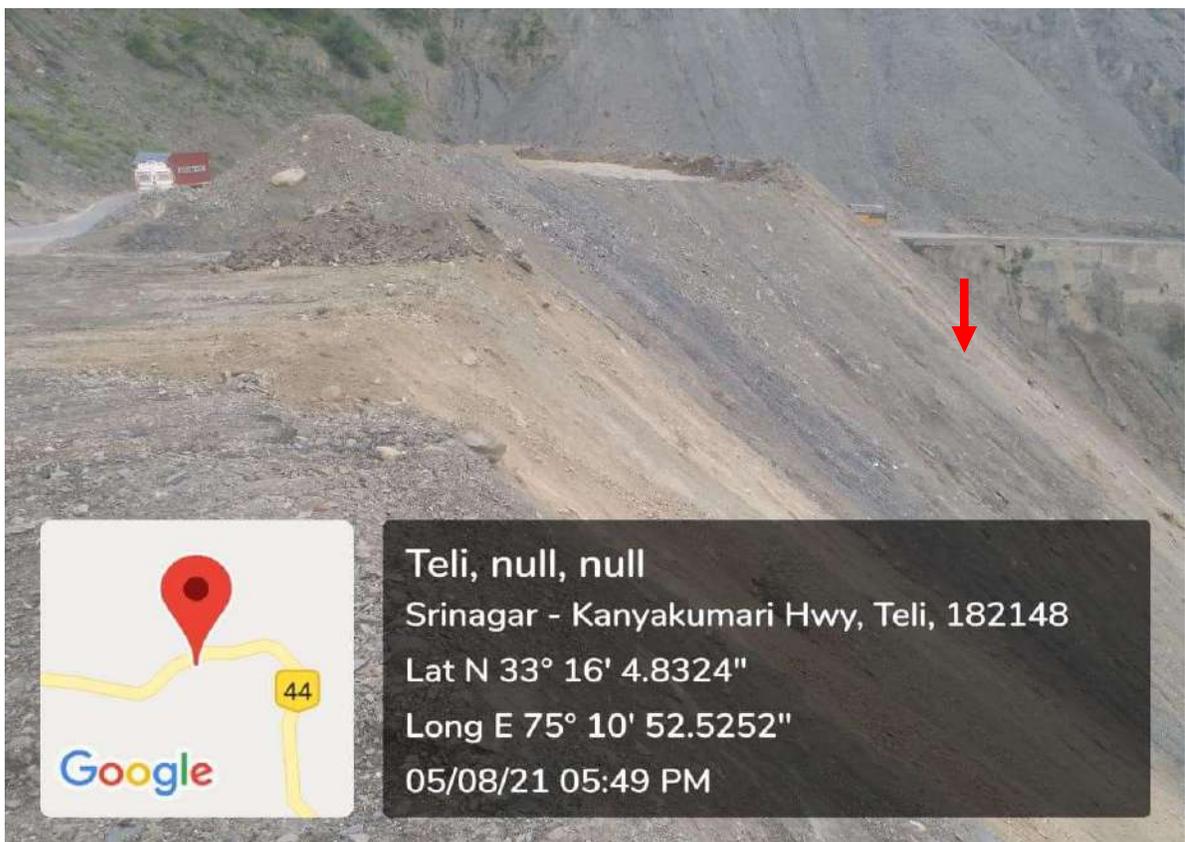


Pic-15:

**3.3 Photographs of the Dumping Sites:
b) Ramban to Banihal.**



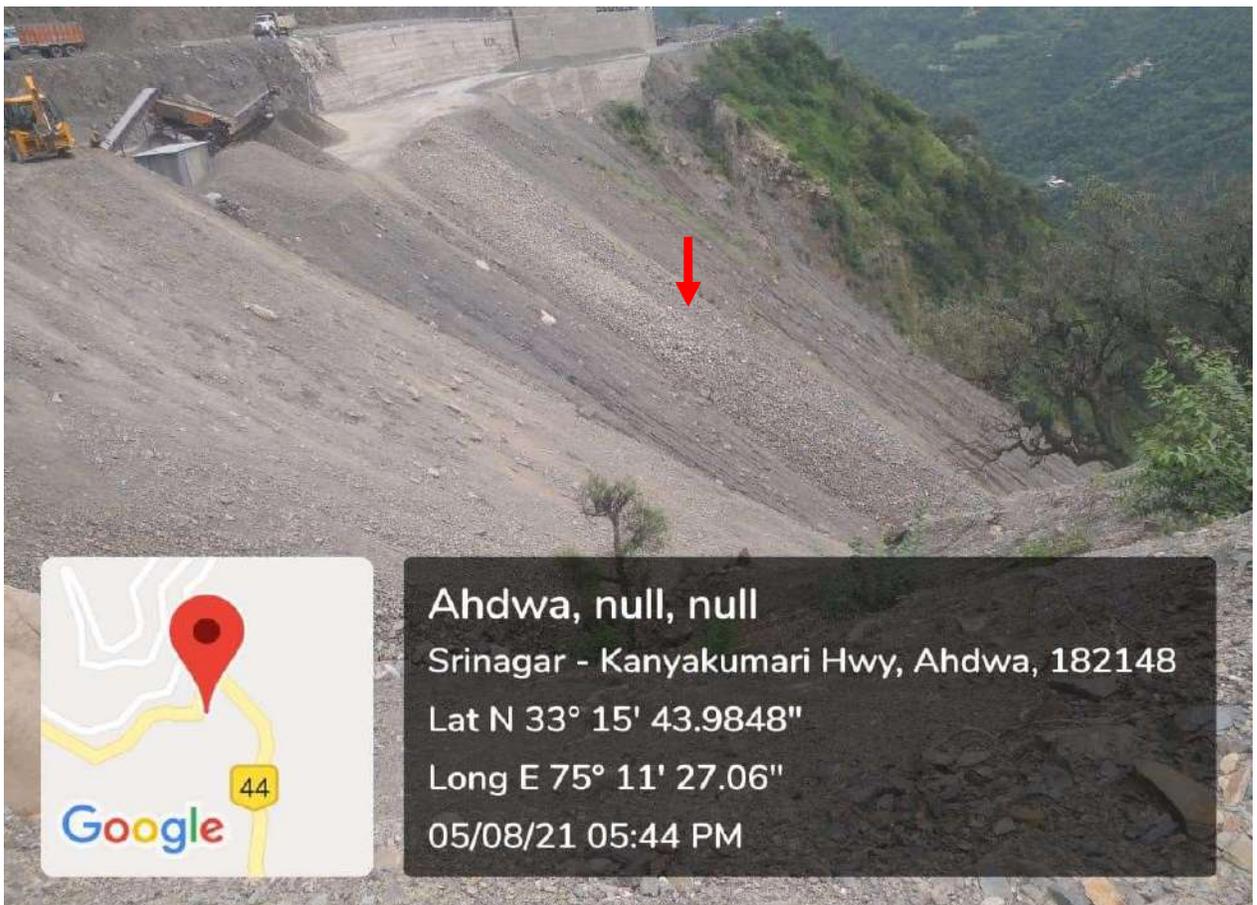
Pic-1:



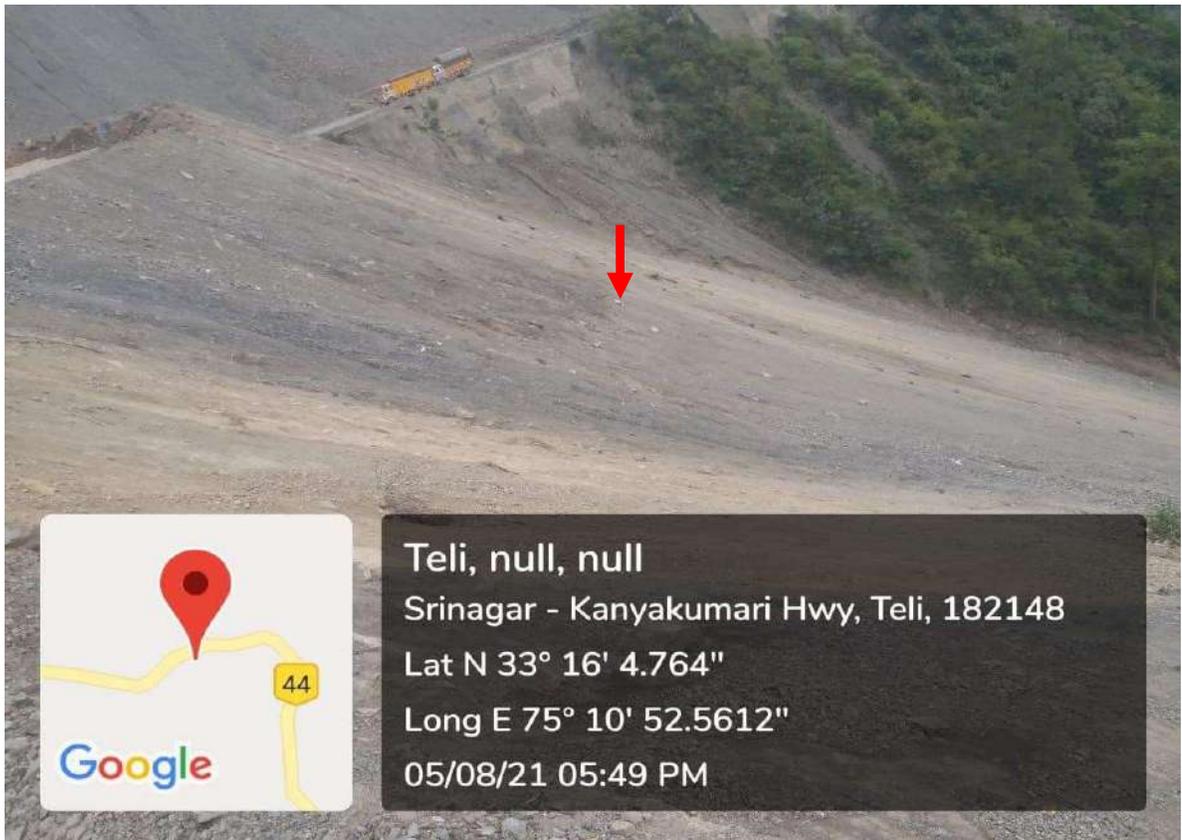
Pic-2:



Pic-3:



Pic-4:



Pic-5:



Pic-6:

CHAPTER-4

4.0 Assessment of break-up of cost for stabilization of muck disposal sites and Monitoring of the Project as compared with EIA / EMP submitted by NHAI to MoEF & CC: (From Nashri to Banihal) as suggested by Technical Advisory Committee (TAC):-

Tentative cost for stabilization of muck disposal sites:-

Taking the normative cost norms for protection work as per the norms of the National Highway, Ministry of Road Transport and Highways, GoI, the minimum budget required for the protection work is given below:-

S. No.	Description of works	Unit	Average Length /area	Amount required to restore the damage	Budget kept by the NHAI in EIA/EMP
ENGINEERING MEASURES					
1.	Construction of slope protection work. Retaining wall with PCC M-15 ht. 3m	Rs. 24000/m (As per Normative Cost Norms as per NHAI)	12 km (Dumping sites only)	Rs. 24000x12000 x (4*) = Rs. 115.20 Cr. Rs. 115.20/12= Rs. 9.6 Cr/km (app.)	NHAI has kept Rs. 1.78 Lacs/km for Env. Protection work.
2.	Preparation of Muck Disposal Site	Rs. 3.0 Lac/ha	**70 ha	Rs. 70 x 3.0 = Rs. 2.10 Cr.	Nil
3.	Provision of 10 cm soil layer	Rs. 5.0 lac/ha	70 ha	Rs. 70 x 5.0 = Rs. 3.50 Cr.	Nil
4.	Channelization of Nallahs	Rs. 0.15 lac /m	# 20x50= 1000 m	1000 X 0.015= Rs. 1.5 Cr.	Nil
			Sub Total (A)	Rs. 122.30 Cr	Rs. 1.04 Cr

BIOLOGICAL MEASURES					
1.	Development of vegetation cover	Rs. 20000/ha	35 ha	35 x 20,000 = 7 lac = Rs. 0.07 Cr.	Nil
2.	Plantation/Afforestation	Rs. 5 lac/km	70 ha	## Rs. 6.69 Cr.	Rs. 6.69 Cr But no Monitoring Stations established. No Plantation towards river side.
3.	Maintenance of Plantation	LS	70 ha		
4.	Monitoring of Air, Water & Noise parameters.	LS	LS		
			Sub Total (B)		
GRAND TOTAL (A+B)				Rs. 122.30 + Rs. 6.76 Cr = Rs. 129 Cr (app)	Rs. 1.04 + Rs. 6.69 = Rs. 7.73 Cr

**4 is the no. of benches of retaining wall of ht. 3 m each*

*** Total area of dumping site as per information provided by the Agencies viz. HCC/Gammon*

20 is the no. of Nallahs (tentative) with average length of 50 m

Reference from EMP of the NHAI for the widening of road

It has been observed by the committee that the environmental budget kept by the NHAI is merely **Rs. 7.73 Cr** and the cost of restoring the damage is **Rs. 129 Cr (app)** for the protection of environment, the latter should be kept by the NHAI as a part of the project for environment management during execution of widening of road.

Accordingly, an Environmental Compensation of 2% of the cost of restoration is recommended to be levied on NHAI, so that it becomes deterrent to the violators of Environmental norms and they undo the damage already done and take precautions for minimizing the environmental damage due to National Highway widening project in future.

CHAPTER-5

5.0 Overview of Methodology of Environmental Compensation by CPCB:-

The CPCB on the direction of Hon'ble NGT in various cases, prepared methodology / guidelines to work out the Environmental Compensation in case of violation of Environmental Laws by the development agencies / Industries and discharge of effluents / sewage into the streams, along with violations done by the Health Care Establishments as well violation of Hazardous Waste Management Rules. The CPCB has not yet formulated any specific guidelines as well as methodology to work out the Environmental Compensation with regard to violation of the road construction activity specifically the damage to environment by unscientific disposal of muck and protection to the water body, aquatic life including flora and fauna.

The ecological loss equivalent to financial loss cannot be just calculated simply through observations as the damage caused to the environment is irreversible and immeasurable. The quantification of such damage requires in-depth scientific studies comparing with the normal standard benchmarks of that particular area with regard to air, water and soil pollution. The expert in different fields *viz.* economist, hydraulic, geology, fisheries, civil engineers, environmental engineers, social activist are required to quantify such a loss equivalent to financial loss.

The guidelines issued by the CPCB for imposing Environmental Compensation are specifically for assessment of Environmental Compensation for the sewage treatment violations through STPs / Bio Medical and Hazardous Waste etc, and are based on certain factors worked-out by the In-house Committee of the CPCB for assessing the Environmental Compensation. These factors include cost incurred on the STPs installation, laying of sewer network and operation and maintenance for the number of days violation have occurred. In other cases, some factors worked out by experts and CPCB In-house team for calculating Environmental Compensation have been used.

5.1 Penalty recommended by Technical Advisory Committee (TAC):-

Keeping above norms in view, the Technical Advisory Committee (TAC) is of the opinion to impose Environmental Compensation to the NHAI to the tune of **2%** of the total budget required for implementation of Environment Management Plan i.e. Rs. **129** Cr (app) be imposed as a penalty for the damage, which amounts to Rs. **2.58** Cr. in addition to the budgetary requirement for the restoration of damages of the unstable slopes where muck is being dumped in discriminatory by the executing agencies and NHAI in grave violations of the Environmental norms.

Moreover, the callous attitude of the NHAI with respect to environmental concerns while causing irreversible damage to the environment cannot be compensated with Rs. **2.58** Cr. Environmental cost which is only a deterrent and as a part of enforcement strategy and the penalty recovered shall be used for the restoration of the damage to the environment. Since NHAI has already paid Rs 2.00 Cr as Interim Environmental Compensation, the balance amount of Rs **0.58** Cr. is to be imposed as Environmental Compensation.

CHAPTER-6

Recommendations of Technical Advisory Committee (TAC):-

After examining the EIA/EMP Report of the NHAI submitted to the MoEF & CC GoI at the time of seeking Environmental Clearance which is mandatorily required as per the EIA Notification 2006, the Technical Advisory Committee (TAC) has found glaring violations in the EMP prepared as a part of EIA Report for the Environmental Protection of the area. The NHAI authorities has kept a provision of Rs. 27.19 Cr. per km of road length but has not kept adequate provision of Environmental Protection in the said report as is evident that they have kept a total budget of Rs. 7.74 Cr. for protection work which is negligible with respect to actual requirement of Rs. 129 Cr. This shows that no care has been taken for the environment while envisaging the project which is about Rs. 1309.40 Cr project as per Detailed Project report as per 2006 assessment of the project cost. Hence, the recommendations of the committee are as under:-

- 1) The directions may be issued to the NHAI for strictly following the conditions stipulated in the Environmental Clearance granted by the MoEF & CC, GoI in letter and spirit as on date they have utterly failed to comply with the EC conditions.
- 2) A dedicated Environmental Cell be created immediately to supervise the environmental protection and monitoring works which is not being followed as on date by the project executing agencies and NHAI authorities. The environment cell shall also supervise installation of STPs/Solid Waste /Crusher/HMP for protection of the environment.
- 3) The executing agencies of NHAI should be directed to go for massive plantation of the area as per the provisions of EMP as no noticeable plantation has been done by the NHAI at respective locations.
- 4) In view of the grave violations done by NHAI and its executing agencies in implementation of the stipulated conditions of the Environmental Clearance, TAC has recommended Environmental Compensation of Rs 2.58 Cr. as a penalty for not carrying out environmental conservation and protection work at site.
- 5) The NHAI authorities shall submit the half yearly monitoring report for the compliance of the environmental conditions stipulated in the EC of the project granted by MoEF & CC, GoI as NHAI has failed to submit such reports as on date so far.
- 6) The NHAI be directed to revise the EMP of the project and an amount as calculated by the TAC to the tune of Rs. 129 Cr (app) be earmarked for environment protection.

The committee accordingly submits aforementioned recommendations to the higher authorities of JKPCC for further necessary action at their end.

Encl: Annexure-1

Sd/-
Anupam Kaul
(Member TAC)


Dr. Yash Paul
(Member TAC)


J. N. Sharma
(Convener TAC)


M. M. Shah
(Head Committee)

Annex - I

DCM(Env.)
17/09

F. No. 10-3/2010-IA.III
Government of India
Ministry of Environment & Forests
(IA-III Division)

Paryavaran Bhawan,
CGO Complex, Lodhi Road,
New Delhi - 110 003,

Dated: 31st August 2010

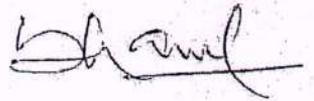
To,
National Highways Authority of India,
Ministry of Shipping Road Transport & Highways,
G - 5 & 6, Sector - 10, Dwarka,
New Delhi - 110075

Subject: Environmental Clearance for widening of existing 2-lane to 4 lane from km 130.00 to km 188 of NH-1A from Nasiri to Banihal, in the section of Udhampur - Banihal in Doda District of Jammu & Kashmir by M/s. NHAI - Reg.

This has reference to your application No: 11013/12/1/2k/ GM (Env.) dated 02.02.2010 and subsequent letters dated 25.03.2010 seeking prior Environmental Clearance for the above project under the EIA Notification - 2006. The proposal has been appraised as per prescribed procedure in the light of provisions under the EIA Notification - 2006 on the basis of the mandatory documents enclosed with the application viz., the Questionnaire, EIA, EMP and the additional clarifications furnished in response to the observations of the Expert Appraisal Committee constituted by the competent authority in its meetings held on held on 25th - 26th February, 2010 and 28th - 29th June, 2010.

2. It is interalia, noted that the proposal involves for the widening of existing two lane road to four lane of NH-1A from km 130 to km 188. The above corridor falls in Ramban District of Jammu & Kashmir (Known as Package - III, IV & V of Udhampur - Banihal Section) for a total length of about 58 km. The existing RoW is 12m and proposed RoW is 45 m. No culverts/bridges are proposed as per the requirements; there is no provision of diversion of any water body. It was also informed that there is no Wildlife Sanctuary along the route. Further, 57,700 number of trees will required to be cut and compensatory plantation of 3 times is proposed on an area of 157 ha under social forestry. The total cost of the project is Rs. 1118 Crores.

3. A TOR was issued on 31.03.2010. Public hearing was conducted on 06.10.2007 at Ramban, Jammu.



MOEF clearance for Udhampur - Banihal section

28/09/10

01: Unbnd

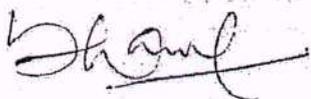
4. The Expert Appraisal Committee, after due consideration of the relevant documents submitted by the project proponent and additional clarifications furnished in response to its observations, have recommended for the grant of Environmental Clearance for the project. Accordingly, the Ministry hereby accord necessary Environmental Clearance for the above project as per the provisions of Environmental Impact Assessment Notification - 2006 and its subsequent amendments, subject to strict compliance of the terms and conditions as follows:

5. **SPECIFIC CONDITIONS:**

- (i) A confirmation shall be obtained from Defence Authorities to the effect that the road meets the required standards for the movement of troops and other heavy vehicles.
- (ii) Sufficient measures shall be taken to prevent land sliding, rock blocks rolling /falling on the forest area and damaging the trees.
- (iii) Necessary mitigative measures against adverse impact to the water bodies that are to be affected shall be provided.
- (iv) The road profile shall be raised on the low lying structures to prevent flooding of road.
- (v) Green belt development shall be undertaken as suggested in EMP.
- (vi) Rain water harvesting including oil and grease trap shall be provided. Water harvesting structures shall be located at every 500 mts along the road. Vertical drain type rainwater harvesting structures shall be set-up to minimize surface runoff losses of rainwater.
- (vii) The seismic nature of the area shall be taken into account while designing the project.
- (viii) No ground water shall be used for the project.
- (ix) The project proponent shall obtain necessary permission from the State Irrigation Department before drawing water from the river sources for the purpose of the proposed construction activity.
- (x) Sidewalk shall be provided along the bridges.
- (xi) The drain shall be at least 1 m. away from the toe of the embankment of the road adopting IRC guidelines.

Shruti

- (xii) Longitudinal drains shall be provided all along the project road to ensure proper drainage of the area. In addition, adequate number of under passes and culverts to act as cross drainage structures shall also be provided.
- (xiii) The solid waste generated shall be used for rehabilitating the borrow areas.
- (xiv) For providing safety to the crossing animals and avoid road accidents speed breakers/rumbled strips shall be constructed at the identified locations of the animal movements. Enough hoardings and signages shall also be put up for the public and vehicles convenience.
- (xv) Minimum of three times the number of trees to be cut shall be planted. It shall be ensured that the trees planted as a part of the afforestation shall be looked after by NHAI. Tree plantation shall be of the same species/local species and survival shall be monitored. Transplantation of trees shall be carried out wherever possible. The tree plantation shall be taken up on the extreme end of the road.
- (xvi) Necessary permission for tree felling from the concerned department shall be obtained before commencement of the project work and copies of the same shall be submitted to this Ministry.
- (xvii) Adequate number of underpasses shall be provided in the habitation areas. The details of such underpasses shall be provided to the Ministry within 6 months from the date of issue of this letter.
- (xviii) Necessary clearance from the State Government shall be obtained for extraction of sand from the rivers.
- (xix) Proper signage shall be installed at appropriate locations for the convenience of the traffic movement.
- (xx) The embankments/slopes and the slopes left after cutting shall be provided with vegetative turning to avoid soil erosion.
- (xxi) The hot mix plant shall be located at least 500 mts. Away from habitation and on the barren land to avoid its adverse impact on the human population.
- (xxii) Rehabilitation and payment of compensation to the project affected people (PAPs) shall be made as per the policy of the State Government.



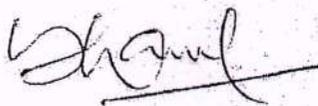
- (xxiii) Noise barriers shall be provided at appropriate locations particularly in the areas where the alignment passes through inhabited areas so as to ensure that the noise levels do not exceed the prescribed standards.
- (xxiv) Details of the use of fly ash in the project shall be provided to the Ministry before its initiation. In any case, the project shall utilize fly ash in the construction of road embankments as per the provisions of Notification S.O.No.763 (E), dated 14.09.1999 as amended vide S.O. 979 (E) dated 27.08.2003.
- (xxv) For road safety, IRC guidelines in respect of road signages, service roads, bus bays, inter-sections, pedestrians crossings, etc. shall be strictly adhered to.
- (xxvi) There shall be no blasting of rock.
- (xxvii) Adequate number of underpasses for the animals shall be provided in the sanctuary and in the forest area in consultation with the Forest Department.
- (xxviii) A confirmation shall be obtained from Defence Authorities to the effect that the road meets the required standards for the movement of troops and other heavy vehicles.
- (xxix) Sufficient measures shall be taken to prevent land sliding, rock blocks rolling/ falling on the forest area and damaging the trees.

6. GENERAL CONDITIONS:

- (i) Adequate provision for infrastructure facilities including water supply, fuel and sanitation must be ensured for construction workers during the construction phase of the project to avoid any damage to the environment.
- (ii) Appropriate measures must be taken while undertaking digging activities to avoid any likely degradation of water quality.
- (iii) Borrow sites for each quarry sites for road construction material and dump sites must be identified keeping in view the following:
- (a) No excavation or dumping on private property is carried out without written consent of the owner.
- (b) No excavation or dumping shall be allowed on wetlands, forest areas or other ecologically valuable or sensitive locations.

Sharma

- (c) Excavation work shall be done in close consultation with the Soil Conservation and Watershed Development Agencies working in the area, and
- (d) Construction spoils including bituminous material and other hazardous materials must not be allowed to contaminate water courses and the dump sites for such materials must be secured so that they shall not leach into the ground water.
- (iv) The construction material shall be obtained only from approved quarries. In case new quarries are to be opened, specific approvals from the competent authority shall be obtained in this regard.
- (v) Adequate precautions shall be taken during transportation of the construction material so that it does not affect the environment adversely.
- (vi) Borrow pits and other scars created during the road construction shall be properly levelled and treated.
- (vii) Adequate financial provision must be made in the project to implement the aforesaid safeguards.
- (viii) The project proponent will set up separate environmental management cell for effective implementation of the stipulated environmental safeguards under the supervision of a Senior Executive.
- (ix) Full support shall be extended to the officers of this Ministry/Regional Office at Chandigarh by the project proponent during inspection of the project for monitoring purposes by furnishing full details and action plan including action taken reports in respect of mitigation measures and other environmental protection activities.
- (x) A six-Monthly monitoring report shall need to be submitted by the project proponents to the Regional Office of this Ministry at Chandigarh, regarding the implementation of the stipulated conditions.
- (xi) Ministry of Environment & Forests or any other competent authority may stipulate any additional conditions or modify the existing ones, if necessary in the interest of environment and the same shall be complied with.



- (xii) The Ministry reserves the right to revoke this clearance if any of the conditions stipulated are not complied with the satisfaction of the Ministry.
- (xiii) In the event of a change in project profile or change in the implementation agency, a fresh reference shall be made to the Ministry of Environment and Forests.
- (xiv) The project proponents shall inform the Regional Office as well as the Ministry, the date of financial closure and final approval of the project by the concerned authorities and the date of start of land development work.
- (xv) A copy of the clearance letter shall be marked to concern Panchayat/local NGO, if any, from whom any suggestion / representation have been made, received while processing the proposal.
- (xvi) Safety provision such as bus bays, service roads intersection improvement etc., will be carried out by the project proponent. The project proponent shall provide adequate facilities as per IRC norms/guidelines.
- (xvii) State Pollution Control Board shall display a copy of the clearance letter at the Regional Office, District Industries Centre and Collector's Office/Tehsildar's office for 30 days.

7. These stipulations would be enforced among others under the provisions of Water (Prevention and Control of Pollution) Act 1974, the Air (Prevention and Control of Pollution) Act 1981, the Environment (Protection) Act, 1986, the Public Liability (Insurance) Act, 1991 and EIA Notification 2006, including the amendments and rules made thereafter.

8. All other statutory clearances such as the approvals for storage of diesel from Chief Controller of Explosives, Fire Department, Civil Aviation Department, Forest Conservation Act, 1980 and Wildlife (Protection) Act, 1972 etc. shall be obtained, as applicable by project proponents from the respective competent authorities.

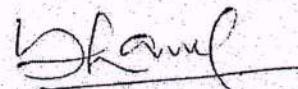
9. The project proponent shall advertise in at least two local Newspapers widely circulated in the region, one of which shall be in the vernacular language informing that the project has been accorded Environmental Clearance and copies of clearance letters are available with the Jammu & Kashmir State Pollution Control Board and may also be seen on the website of the Ministry of Environment and Forests at <http://www.envfor.nic.in>. The advertisement should be made within 10 days from the date of receipt of the Clearance letter and a copy of the same should be forwarded to the Regional office of this Ministry at Chandigarh.

[Handwritten signature]

10. Environmental clearance is subject to final order of the Hon'ble Supreme Court of India in the matter of Goa Foundation Vs. Union of India in Writ Petition (Civil) No.460 of 2004 as may be applicable to this project.

11. Any appeal against this Environmental Clearance shall lie with the National Environment Appellate Authority, if preferred, within a period of 30 days as prescribed under Section 11 of the National Environment Appellate Act, 1997.

12. Status of compliance to the various stipulated environmental conditions and environmental safeguards will be uploaded by the project proponent in its website.



(Bharat Bhushan)
Director (IA-III)

31.08.2010

Copy to:

1. The Commissioner Secretary to the Government, Department of Environment Civil Secretariat, Srinagar, Jammu & Kashmir.
2. The Chairman, Central Pollution Control Board, Parivesh Bhavan, CBD-cum- Office Complex, East Arjun Nagar, Delhi - 110 032.
3. The Conservator of Forests (C), Ministry of Environment & Forests, Regional Office (NZ) Bays No. 24-25, Sector 31 A, Dakshin Marg, Chandigarh-160030.
4. The Member Secretary, Jammu & Kashmir State Pollution Control Board, Sheikhul Alam Campus, Behind Govt. Silk Factory, Rajbagh Srinagar. J&K
5. Director (Environment Monitoring Cell), Ministry of Environment and Forests. Paryavaran Bhawan, CGO Complex, New Delhi
6. Guard File.
7. Monitoring File.

(Bharat Bhushan)
Director (IA-III)

(xx) Necessary permission for tree felling from the concerned department should be obtained before commencement of the project work and copies of the same should be submitted to this Ministry.

(B) General Conditions:

- (i) Adequate provision for infrastructure facilities including water supply fuel and sanitation must be ensured for construction workers during the construction phase of the project in order to avoid any damage to the environment.
- (ii) Appropriate measures must be taken while undertaking digging activities to avoid any likely degradation of water quality.
- (iii) Borrow sites for earth, quarry sites for road construction material and dump sites must be identified keeping in view the following:
 - (a) No excavation or dumping on private property is carried out without written consent of the owner. The solid waste generated shall be safely disposed of or used in the project itself.
 - (b) No excavation or dumping shall be allowed on wetlands, forest areas or other ecologically valuable or sensitive locations.
 - (c) Excavation work should be done in consultation with the Soil Conservation and Watershed Development Agencies working in the area; and
 - (d) Construction spoils including bituminous material and other hazardous materials must not be allowed to contaminate water courses and the dump sites for such materials must be secured so that they should not leach into the ground water.
- (iv) The construction material should be obtained only from approved quarries. In case new quarries are to be opened, specific approvals from the competent authority should be obtained in this regard.
- (v) Adequate precautions should be taken during transportation of the construction material so that it does not affect the environment adversely.
- (vi) Borrow pits and other scars created during the road construction should be properly levelled and treated.
- (vii) The project-affected people, if any, should be adequately rehabilitated and the details in this regard should be furnished to the Ministry.
- (viii) Detailed plan for indicating the drainage pattern on a toposheet shall be submitted within six months from the receipt of this letter.
- (ix) A detailed plan for rainwater-harvesting shall be provided with budgetary provision within six months from the receipt of this letter.
- (x) Adequate financial provision must be made in the project to implement the aforesaid safeguards.
- (xi) The project proponent will set up separate environmental management cell for effective implementation of the stipulated environmental safeguards under the supervision of a Senior Executive.
- (xii) Adequate environmental safeguards shall be undertaken to minimize the input due to transportation of construction material from the quarries. The quarries shall be rehabilitated.
- (xiii) Full support should be extended to the officers of this Ministry/Regional Office at Chandigarh by the project proponents during their inspection of the project for monitoring purposes by furnishing full details and action plan-including action taken reports in respect of mitigative measures and other environmental protection activities.
- (xiv) A six-monthly monitoring report shall be submitted to the Regional Office of this Ministry at Chandigarh regarding the implementation of the stipulated conditions.

Item No. 05

Court No. 1

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Execution Application No. 32/2016

IN

O.A. No. 295/2016

M.A. No. 248/2019

(With inspection report dated 31.07.2020)

Amresh Singh

Applicant(s)

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 28.09.2020

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S. P. WANGDI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Respondent(s): Mr. Kshitez Kaushik, Advocate for NHAI
Mr. Aniruddha Singh, Advocate for Gammon India Ltd.
Mr. Kaustav Talukdar and Ms. Aanchal Mullick, Advocates for
HCC

ORDER

1. The issue for consideration is the remedial action against violation of environmental norms by National Highway Authority of India (NHAI) and its contractors - M/s Gammon India Limited (GIL), the Hindustan Construction Co. Ltd. (HCCL) and M/s Choudhary Power Project Pvt. Ltd. (CPPPL), sub-contractor of M/s GIL and M/s HCCL, in the course of four laning of National Highway from Udhampur to Banihal in Jammu and Kashmir.

2. The matter has been considered by this Tribunal during the last four years. For purposes of this order, we may refer to last five orders i.e.

24.08.2018, 12.02.2019, 11.07.2019, 09.01.2020 and 20.03.2020. By the first order, the matter was considered in the light of reports of statutory/expert committees received that damage to environment was taking place by dumping of muck without precautions. While directing remedial action, this Tribunal constituted a Monitoring Committee (MC) headed by Justice J.R. Kotwal, former Judge of J&K High Court to give an independent report in the matter.

By the second order, the matter was considered in the light of preliminary report of the said MC to the effect that damage to the environment was continuing. The Tribunal accordingly directed the M/s GIL and M/s HCCL to pay interim compensation for damage to the extent of Rs. 1 crore each and performance guarantee of like amount for improving the situation within next three months. The said order was affirmed by the Hon'ble Supreme Court on 08.07.2019 in *Civil Appeal No. 5113-14/2019*.

By the third order, the Tribunal considered the report filed on 09.07.2019 based on inspection conducted on 02.05.2019 to the effect that damage to the environment was continuing. The Tribunal directed M/s GIL and M/s HCCL to furnish performance guarantee of Rs. 2 Crore each and NHAI to furnish performance guarantee of Rs. 1 Crore to the satisfaction of CPCB for remedying the situation.

The fourth order also found that the violations were continuing and remedial action was directed to be taken.

Lastly, vide order dated 20.03.2020, the Tribunal considered report dated 17.03.2020 by the MC based on site inspection on 29th – 31st January, 2020. The deficiencies were pointed out to M/s GIL by the State PCB by notice dated 20.10.2019. The MC gave suggestions and the

Tribunal directed that the suggestions to be acted upon by the project proponents, including measures for slope stabilization.

3. We have taken up the matter today in continuation of earlier proceedings. Further report has been filed on 24.09.2020 based on status reports dated 31.07.2020 and 17.09.2020 filed by the Divisional Officer of the State PCB with the Regional Director, State PCB, alongwith supporting material. On consideration of the said inspection reports, the MC observed that there was failure in preparing and maintaining designated dumping sites as shown by the photographs. The debris excavated in the widening process has been found unscientifically dumped down the hill slopes into the seasonal nallas and rivulets. The dumping sites were overflowing and not properly maintained. NHAI failed to exercise supervisory control.

4. The relevant extracts from the inspection report dated 31.07.2020 submitted by the Divisional Officer of the State PCB are:

“Sub: Status of muck dumping by:

1) *M/s Gammon Engineers & Contractors Pvt. Ltd. (GECPL) now subcontracted to M/s Choudhary Power Projects Pvt. Ltd (CPPL) from **Nashri to Ramban stretch** (km 130.00 to km 151.00) w.e.f. August, 2019 engaged in four laning of NH-44.*

2) *M/s Hindustan Construction Company (HCC) Ltd now subcontracted to M/s Choudhary Power Projects Pvt. Ltd (CPPL) from **Ramban to Banihal stretch** (km 151.00 to km 187.00) w.e.f. 1st March, 2020 engaged in four laning of NH-44.*

Sir,

With regard to the subject cited above and in continuation to this office letter Nos. PCB/DO/Rbn/2020/29 dated: 03-03-2020, PCB/DO/Rbn/2020/25 dated: 28-02-2020, SPCB/DO/Rbn/19/191 dated: 10-12-2019 and SPCB/DO/Rbn/19/138 dated: 17-08-2019 it is to inform that the various muck dumping sites (designated & non-designated) that were earlier operated by

M/s Gammon Engineers & Contractors Pvt. Ltd. (GECPL) and M/s Hindustan Construction Company (HCC) Ltd are now being taken over/used by M/s Choudhary Power Projects Private Ltd. (CPPL)

since August 2019 and March, 2020 respectively, were inspected on 28th and 29th July, 2020.

xxx.....xxx.....xxx

General observations:

All the sites have been put to use without proper preparation and gabion walls/structures constructed at foot of these sites are inadequate to meet the desired results/purpose. Further, most of the sites have attained their full capacity & are used without any consideration for attaining proper angle of repose. Further, dumping at these sites should not be allowed. **Those sites which have attained their full capacity need to be stabilised and rehabilitated by using engineering and botanical methods.**

That gabions/retaining structures in most of the portion along the Nallah are either not provided or are washed away or spilled over by excessive muck dumping. **That muck dumping in almost all sites was found done in an un-scientific manner and without proper compaction & terracing.** It is also observed that no proper methods are adopted to properly stabilise the slopes in terraces or in erecting retaining structures; besides there is no provision of drainage system in dumping area. No slope stabilization work has been done by way of plantation of suitable species and other green cover. At almost all sites muck dumping was found done without proper compaction and loose muck is going directly into Chenab River and other fresh water Nallahs/ water bodies.

Specific observations of dumping sites that were earlier operated by M/s GECPL & currently operated by M/s CPPPL:

The inspection was conducted on 29th July, 2020 and specific observations made area as under:-

S. No.	Name of the site	Chainage	Title of the land/ Designated / Non-designated	Specific observations
1.	Nashri (110 m)	130+690 to 130+800 (NB)	Forest-Designated	Site Closed but illegal dumping is going on. No retaining structure constructed and area is in sinking zone.
2.	Sarga Temple (100 m)	132+400 to 132+500 (NB)	Forest-Designated	Green cover has come up in some portion of this site. Muck Spill over/ Gabion damaged, need urgent repair. Nallah channelization work stopped midway.
3.	Dhalwas-	134 +770 to 134+820	Forest-Designated	Dumping in-progress and no protection

	Peerah- I (50 m)	(NB)		provided.
4.	Dhalwas- Peerah- II (50 m)	135+300 to 135+350 (NB)	Forest-Designated	Dumping in-progress and no protection provided. Peerah Nallah getting choked due to muck dumping and needs to be channelized. Gabion damaged needs immediate repair.
5.	Sawani- I (40 m)	135+900 to 135+940 (NB)	NHAI Acquired	Site Closed but illegal dumping is still going on. No protection provided. The muck is thrown illegally which has choked
6.	Sawani –Peerah Near Dam View Hotel (50 m)	138+050 to 138+100 (SB)	Private Designated	Green cover has come up in some portion of this site. Muck spill over/Gabion needs to be strengthened & raised.
7.	Near T-1, T-2 Kunfer Nallah	139+297 to 139+319 (SB)	Tunnel Site	Illegal dumping going on. Kunfer Nallah getting choked due to dumping of heavy boulders and needs to be channelized.
8.	Chanderkote (Near 84 BN CRPF Camp) 120m)	141+200 to 141+320 (NB)	Private Designated	The muck is directly going into Chenab river. Gabion needs to be provided.
9.	Chanderkote (Near 48 Bridge) (20 m)	143+360 to 143+380 (SB)	Non-Designated	Muck going directly into Chenab River. Gabion needs to be provided.
10.	Chanderkote (Near 48 Bridge)	143+400 to 143+420 (SB)	Non-Designated	Muck going directly into Chenab River. Gabion needs to be provided.
11.	Chanderkote (Near 48 Bridge)	143+720 to 143+740 (SB)	Non-Designated	Muck going directly into Chenab River. Gabion needs to be provided.
12.	Kanthi (Karol-I) Bridge 51 (Near Hotel Khana Khazana) (20 m)	144+950 to 144+970 (SB)	Private Designated	Green cover has come up in some portion of this site. Gabion needs to be raised.
13.	Ramban (Near Kundi Nallah Bridge 53) (New	145+850 to 145+900 (SB)	Non-Designated State land	Kundi Nallah Bridge 53 new identified dumping site

	Identified site) (50 m)			Chainage:-km 145+850 to 145+900 (SB) 50m but in reality they are dumping 230 m in excess from km 145+620 to 145+850 (SB). Nallah choked due to muck dumping and needs to be channelized.
14	Kanthe- Karol (Near Amar Punjabi Dhaba) (New Identified site) (86 m)	146+094 to 146+180 (SB)	Non-Designated State land	This is a new identified dumping site of length 86 Meters but in reality dumping is being done 10m in excess i.e. from km 146+084 to km 146+094 (SB).
15.	Opp. Horticulture Office Gate (30 m)	146+200 to 146+230 (SB)	Non-Designated	Muck going directly into Chenab River. Gabion structure needs to be provided.
16.	Neera (Opp. PHE Water Filling Station) (New Identified site) (300 m)	147+225 to 147+525 (SB) 147+525 to 147+560 (SB)	State land Non-Designated	This is also a new identified dumping site of length 300 m but in reality dumping is being done 35m in excess from km 147+525 to km 147+560 (SB). Muck going into Chenab River. Gabion structure needs to be provided.
17.	Cafeteria Morh Ramban (Opp. Army Camp Maitra) (New Identified site) (850 m)	147+850 to 148+700 (SB)	State land	Muck is directly going into Chenab River. Gabions are not provided.

Specific observations of dumping sites that were earlier operated by M/s HCC & currently operated by M/s CPPPL:

S. No.	Name of the site / Village	Chainage (SB)	Specific Observations
1.	Seri-Chamba	150+330 to 150+900	Illegal dumping going on. Needs to be stopped immediately.
2.	Marog Near Tunnel (T-2)	155+000 to 155+100	Dumping is being done in an unscientific manner. Terracing/ Gabions need to be provided.
3.	Near Battery Chaishma	158+710 to 158+960	Nallah choked. Few Plants survived after previous year's plantation. Green cover has come up in some portion of this site. Also, site needs to be covered

			<i>with soil. Gabion structures needs to be repaired.</i>
4.	<i>Anokhe Fall</i>	<i>159+100 to 159+400</i>	<i>Green cover has come up in some portion of this site. Gabions need to be provided.</i>
5.	<i>Digdole-I</i>	<i>161+200 to 161+580</i>	<i>Dumping is being done in an un-scientific manner with no protection provided.</i>
6.	<i>Panthyal</i>	<i>165+750 to 165+910</i>	<i>Dumping is in progress, gabion structures need to be repaired. Panthyal nallah needs to be channelized with hume pipe and Tunnel water needs to routed through settling tank in order to prevent pollution of fresh water nallah.</i>
7.	<i>Near Ramsoo Bridge</i>	<i>167+780 km</i>	<i>Illegal dumping going on. Gabions need to be provided.</i>
8.	<i>Near Ramsoo Foot Bridge</i>	<i>168+450 km</i>	<i>Illegal dumping going on. Gabions need to be provided.</i>
9.	<i>Ramsoo & Gangroo-Ramsoo</i>	<i>168+680 to 169+100 and 169+600 to 169+750</i>	<i>Dumping of muck as well as landslide debris is done in an un-scientific manner.</i>
10.	<i>Near Kishtwari Pathar</i>	<i>173+530 to 173+900 km</i>	<i>Illegal Muck dumping going on/Bislari nallah is getting choked.</i>
11.	<i>Sherbibi</i>	<i>175+400 to 176+200</i>	<i>Green cover has come up in some portion of this site. Gabions need to be strengthened.</i>
12.	<i>Chamalwas</i>	<i>177+000 to 177+050</i>	<i>Green cover has come up in some portion of this site. Along Bislari nallah, gabions need to be strengthened.</i>
13.	<i>Chamalwas-I</i>	<i>177+400</i>	<i>Nallah is getting choked due to illegal dumping.</i>
14.	<i>Ratanwas-I & II</i>	<i>179+200 to 179+500 and 179+560 to 179+820</i>	<i>Along Bislari nallah, Huge dumping done and still in-progress. Gabions need to be strengthened</i>
15.	<i>Kharpora Banihal</i>	<i>181+690 to 181+740 Km</i>	<i>Illegal dumping going on. Gabion structure needs to be raised.</i>

*In addition to the status of work in respect of designated dumping sites as mentioned above, it is submitted that **the concerned agency (M/s Hindustan Construction Company) has not provided undersigned with details of non-designated dumping sites even on repeated requests till date.***

The muck has been dumped at various dumping sites earlier by M/s HCC & M/s GECPL and now by M/s CPPPL in a casual manner without any consolidation & the practice is still being followed at all the sites inspected. At most of the dumping sites retaining structures are not provided and at few sites where gabion wall exist along river/nallahs, no

proper care of HFL is taken and some are washed away or spilled over by excessive muck dumping. No proper engineering techniques/methods are adopted in muck dumping.

The dumping is also being done at designated sites which have attained their full capacity and also at non-designated sites from Ramban to Banihal (As indicated in tables above). The four laning project is of national importance for entire Union Territory of J&K, however, M/s CPPPL cannot be allowed to execute the work causally & callously and pollute Chenab River and other fresh water nallahs without any regard for environmental norms and Hon'ble NGT directions.

If M/s CPPPL is not restrained and checks are imposed it may cause irreparable damage both in terms of polluting the water bodies and destroying aquatic life, flora and fauna as well as causing flood downstream which may be disastrous for the inhabitants living around these areas. Besides, by this illegal muck dumping, river morphology is likely to be altered and it will also interfere with natural course/ flow of this river.

Further, Ramban Police arrested a site engineer and four operators of M/s CPPPL on 27th July, 2020 for violating district administration's orders and directly throwing waste material/muck into the river Chenab at Morh Gohri, Ramban. Police also seized two excavators, one loader and a JCB Machine. (Newspaper cutting dated 28th July, 2020 attached).

Besides the muck/debris being dumped into Chenab river basin in a rampant/haphazard manner is eventually bound to travel downstream with the flow of river ultimately it shall reach the site of Salal Hydro Electric Power Project (SHEPP) and **is bound to cause enormous silting behind the dam which shall have disastrous ramifications in terms of power generation of the state.** It would not be possible to remove the silt accumulated behind the (SHEPP) by any mechanical means easily as the quantities flowing into the lake of dam shall be enormous. This would put in jeopardy the entire hydro electric project of 690 MW that has been built at the cost of Rs. 928.89 crores in 1987 and approx. 6000 to 7000 Crores as per current price level.

Emphasis needs to be laid on the fact that in the context of repeated and rampant violations by M/s GECPL and now M/s CPPPL **a show cause notice was served by Member Secretary J&K PCB vide No.: PCB/NGT/27/2017/1392-94 Dated 25-11-2019 to Project Manager M/s Gammon Engineers & Contractors Pvt. Ltd (GECPL) wherein he was directed to explain the reason within 15 days from its issuance as to why environmental compensation on the basis of Polluters Pays' Principle (PPP) in terms of directions of the Hon'ble National Green Tribunal be not recovered from him and as to why he may not be prosecuted in terms of Section-17 of the Environment (Protection) Act,1986. (Copy Attached as Annexure-1).**

In spite of their assurances to take corrective measures in this regard, no tangible steps were taken on the ground to rectify the violation.

It also needs to be brought into the notice of the Chairman, NGT National Highway (Udhampur to Banihal) Monitoring Committee that actual status of various dumping sites as it existed on 30th June, 2020 could be based on the quantity of muck dumped by construction companies till that date. Since these quantities are based on actual measurement at site, whose record is not available with J&K PCB. The matter was taken up with NHAI and M/s GECPL for providing these quantities so that violation could be quantified in terms of numbers.

The Project Director (NHAI) PIU-Ramban and Project Manager M/s GECPL also assured Member Secretary J&K PCB in his office Chamber in the month of May 2020 that our directions would be complied with and the quantum of earth work executed would be furnished by them to J&K PCB within 02 to 03 days positively. However, till date the same has not been provided inspite of raising the matter with them on more than one occasion. The relevant correspondence in this regard is attached as (Annexure- 2, 3 & 4) for record & reference.

Also, Irrigation and Flood Control Department has taken suo motto cognizance of the matter and directed the project authorities to stop forthwith illegal dumping of muck directly into the river which is proven to cause flooding of the downstream areas with disastrous effect (Copy Attached as Annexure-5).

Further, it is to submit that District Magistrate, Ramban has also imposed restrictions under section 144 of Criminal Procedure Code (CrPC) against M/s GECPL directing not to dump the muck/materials in nallahs or other places except the identified muck dumping sites in District Ramban vide order No.DMR/711_-15 dated 30-11-2019 (Copy Attached as Annexure-6).

Also, it is to submit that Tehsildar, Executive Magistrate Ist Class Ramban has also issued Notice under section- 133 of Criminal Procedure Code (CrPC) against General Manager M/s GECPL directing not to dump the muck/materials in Kow bagh Ramban vide No. TR/00/2019-20/NH-44/ 1573-74 dated 24-01-2020 (Copy Attached as Annexure-7).

In addition to above, District Magistrate Ramban has directed NHAI under Section-133 of CrPC vide order No. : DMR/1071-73 dated 26-05-2020 to remove the extra muck dumped in River Chenab other than the muck dumping sites and also to take corrective measures within a period of 02 months from the date of issuance of this order. (Copy Attached as Annexure-8).

The substantial evidence of environmental violation committed by the construction companies as it existed on 28th and 29th July, 2020 at various dumping sites has been captured in photographs with labelling are attached for supporting the case.

Recommendation:

In view of the above stated facts, it is recommended that Project Director NHAI- PIU Ramban, Project Manager M/s Gammon Engineers & Contractors Pvt. Ltd. (GECPL), Project Manager M/s Hindustan Construction Company (HCC) Ltd & Project Manager M/s Choudhary Power Projects Private Ltd. (CPPPL) may be prosecuted under Section-17 of Environment (Protection) Act, 1986 for non-compliance of conditions of Environmental Clearance obtained by them for execution of the project and for directly dumping muck in Chenab River & for causing damage to the environment in violation to Hon'ble NGT order dated 12-02-2019 and also levying environmental compensation on the basis of Polluters Pays' Principle (PPP) in terms of directions of the Hon'ble National Green Tribunal."

5. Report dated 03.09.2020 with regard to another stretch has also been filed as follows:-

"Sub: Status of muck dumping by:

- 1. M/s Gammon Engineers & Contractors Pvt. Ltd. (GECPL) now subcontracted to M/s Choudhary Power Projects Pvt. Ltd (CPPL) from Nashri to Ramban stretch (km 130.00 to km 151.00) w.e.f. August, 2019 engaged in four laning of NH-44.*
- 2. M/s Hindustan Construction Company (HCC) Ltd. now subcontracted to M/s Choudhary Power Projects Pvt. Ltd (CPPL) from Ramban to Banihal stretch (km 151.00 to km 187.00) w.e.f. March, 2020 engaged in four laning of NH-44.*

Sir,

With regard to the subject cited above and in continuation to this office letter Nos. PCB/DO /Rbn/2020 /65 dated: 31.07-2020, PCB/DO/ Rbn/ 2020/29 dated: 03.03.2020, PCB/DO /Rbn/2020/251 dated: 28.02.2020 and SPCB/DO/Rbn/19/138 dated: 17-08-2019 it is to inform that the various muck dumping sites (designated & non-designated) that were earlier operated by M/s Gammon Engineers & Contractors Pvt. Ltd. (GECPL) and M/s Hindustan Construction Company (HCC) Ltd are now being taken over/used by M/s Choudhary Power Projects Private Ltd. (CPPPL) since August 2019 and March, 2020 respectively, were inspected on 1st and 2nd September, 2020 and observations are made as under:

The detail of various dumping sites (designated/Non-designated) that were earlier operated by M/s GECPL & currently operated by M/s CPPPL from (Nashri to Ramban) is given as under:-

S. No.	Name of Site/village	Chainage in (NB/SB)	GPS Coordinates	Title of the land Designated and non designated	Area in hectare	Total Capacity (cu.m)	Quantity Dumped as on July 2019 (cu.m)	Capacity available as on July 2019 (cu.m.)	State
1.	Nashri	130+690 to 130+800 (NB)	33°8'13"N 75°17'59"E	Forest-Designated	1.00	95000	57000	38000	Closed but illegal dumping going on/ Land Sinking.
2.	Nashri (near Lucky Dhaba)	131+280 to 131+350 (NB)	33°8'29"N 75°18'13"E	Private Designated	0.61	60000	60000	0	Closed
3.	Sarga Temple	132+400 to 132+500 (NB)	33°9'03"N 75°18'22"E	Forest Designated	1.20	110000	95000	15000	In-use.
4.	Dhalwas	132+700 to 133+100 (NB)	33° 9'18"N 75°18'26"E	Non Designated	-	-	-	-	Land Slide debris dumped / Road sinked
5.	Dhalwas-I	133+350 to 133+400	33°9'30"N	NHAI Acquired	0.98	72000	45000	27000	Closed

		(NB)	75°18'31"E						
6.	Dhalwas- II Near School	133+420 to 133+460 (NB)	33°9'33"N 75°18'32"E	NHAI Acquired	1.01	72000	21600	50400	Closed
7.	Dhalwas- Peerah- I	134+770 To 134+820 (NB)	33°10'6"N 75°18'20"E	Forest Designated	5.07	520000	275000	245000	In-use
8.	Dhalwas- Peerah- II	135+300 to 135+350 (NB)	33°10'10"N 75°18'2"E	Forest Designated	7.55	780000	450000	330000	In-use
9.	Sawani- I	135+900 to 132+940 (NB)	33°10'14"N 75°17'52"E	NHAI Acquired	1.76	140000	140000	0	Closed but illegal dumping going on.
10.	Sawani- II	136+760 to 136+810 (NB)	33°10'28"N 75°18'11"E	NHAI Acquired	2.83	218648	210000	8648	Closed
11.	Sawani -III Peerah Near Dam View Hotel	138+050 to 138+100 (SB)	33°10'28"N 75°18'23"E	Private Designated	1.89	179645	120000	59645	In-use
12.	Near T-1, T- 2 Kunfer Nallah	139+297 To 139+319 (SB)	33° 10'52"N 75°17'57"E	Tunnel Site	-	-	-	-	Illegal dumping going on Nallah getting choked.
13.	Chanderkot e	141+200 To	33°12'23"N	Private Designated	1.76	3750	3750	0	Closed but illegal

	(Near 84 Bn CRPF Camp)	141+320 (NB)	75°16'52"E						dumping going on
14.	Near 48 Bridge Chanderkote	143+360 to 143+380 (SB) 20 m	33°12'25"N 75°16'47"E	Non Designated	-	-	-	-	Illegal dumping going on
15.	Near 48 Bridge Chanderkote	143+400 to 143+420 (SB) 20 m	33°12'27"N 75°16'45"E	Non Designated	-	-	-	-	Illegal dumping going on
16.	Near 48 Bridge Chanderkote	143+720 to km 143+740 (SB) 20 m	33°12'27"N 75°16'45"E	Non Designated	-	-	-	-	Illegal dumping going on
17.	Near Jaswal Bridge	144+500 to km 144+520 (SB)	33° 12'53"N 75° 16'20"E	Private Land	-	-	-	-	Muck overflow. Gabion needs to be raised.
18.	Kanthi (Karol-I) Bridge 51 (Near Hotel Khana Khazana)	144+950 to 144+970 (SB)	33° 13'5"N 75° 16'18"E	Private Designated	0.48	33500	33500	0	Closed
19.	Kanthi - Karol- II Near Kundi Nallah Bridge-53.	145+440 to 145+500 (SB)	33° 13'25"N 75° 16'1"E	Private Designated	0.78	78000	78000	0	Closed
20.	Kanthi	145+520 to	33°13'27"N 75° 15'56"E	Private Designated	1.76	140000	135000	5000	Closed

		145+620 (SB)							
21.	Kanathi -II	145+620 to 145+850 (SB) (230 m)	33° 13'12"N 75° 16'4"E	Non Designated	-	-	-	-	<i>Illegal dumping is going on.</i>
22.	Ramban Near Kundi Nallah Bridge 53 (New Identified site)	145+850 to 145+900 (SB) 50 m	33°13'27"N 75° 16'0"E	State Land	-	-	-	-	<i>In-use</i>
23.	Kanathi- Karol (Near Amar Punjabi Dhaba) (New Identified site)	146+094 to 146+180 (SB) 86 m	33°13'14"N 75°15'51"E	State Land	-	-	-	-	<i>In-use</i>
24.	Opp. Horticulture Office Gate	146+200 to 146+230 (SB)	33°13'21"N 75°15'53"E	Non Designated	-	-	-	-	<i>Illegal Dumping going on</i>
25.	Neera (Opp. PHE Water Filling Station) (New Identified site)	147+225 to 147+525 (SB) 300 m	33°13'44"N 75°15'10"E	State Land	-	-	-	-	<i>In -use</i>
26.	Cafeteria Morh Ramban (Opp. Army Camp Maitra) (New Identified site)	147+850 to 148+700 (SB) 850 m	33°14'01"N 75°14'51"E	State Land	-	-	-	-	<i>In -use</i>
27.	Kowbagh, Ramban	149+650 to 149+750 (SB)	33°13'10"N 75°12'06"E	Forest Designated	1.55	140000	91000	49000	<i>Closed</i>

General observations:

All the sites have been put to use without proper preparation and gabion walls/structures constructed at foot of these sites are inadequate to meet the desired results/purpose. Further, most of the sites have attained their full capacity & are used without any consideration for attaining proper angle of repose. Further, dumping at these sites should not be allowed. Those sites which have attained their full capacity need to be stabilised and rehabilitated by using engineering and botanical methods.

That gabions/retaining structures in most of the portion along the Nallah are either not provided or are washed away or spilled over by excessive muck dumping. That muck dumping in almost all sites was found done in an un-scientific manner and without proper compaction & terracing. It is also observed that no proper methods are adopted to properly stabilise the slopes in terraces or in erecting retaining structures; besides there is no provision of drainage system in dumping area. No slope stabilization work has been done by way of plantation of suitable species and other green cover. At almost all sites muck dumping was found done without proper compaction and loose muck is going directly into Chenab River and other fresh water Nallahs/ water bodies.

Specific observations of dumping sites that were earlier operated by M/s GECPL & currently operated by M/s CPPPL:

The inspection was conducted on 02nd September, 2020 and specific observations made area as under:-

S. No.	Name of the site	Chainage in km	Title of the land/ Designated / Non-designated	Specific observations
1.	Nashri (110 m)	130+690 to 130+800 (NB)	Forest-Designated	Site Closed but illegal dumping is going on. No retaining structure constructed and area is in sinking zone.
2.	Sarga Temple (100 m)	132+400 to 132+500 (NB)	Forest-Designated	Green cover has come up in some portion of this site. Muck Spill over/Gabion damaged, needs urgent repair. Nallah channelization work stopped midway.
3.	Dhalwas- Peerah- I (50 m)	134 +770 to 134+820 (NB)	Forest-Designated	Dumping in-progress and no protection provided.
4.	Dhalwas- Peerah- II (50 m)	135+300 to 135+350 (NB)	Forest-Designated	Dumping in-progress and no protection provided. Peerah Nallah getting choked due to muck dumping and needs to be channelized .Gabion damaged needs immediate repair.
5.	Sawani- I (40 m)	135+900 to 135+940 (NB)	NHAI Acquired	Site Closed but illegal dumping is still going on. No protection provided. The muck is thrown illegally which has choked the Peerah Nallah.
6.	Sawani-Peerah Near Dam View Hotel (50 m)	138+050 to 138+100 (SB)	Private Designated	Green cover has come up in some portion of this site. Muck spill over/Gabion needs to be strengthened & raised.

7.	Near T-1, T-2 Kunfer Nallah	139+297 to 139+319 (SB)	Tunnel Site	Illegal dumping going on. Kunfer Nallah getting choked due to dumping of heavy boulders and needs to be channelized.
8.	Chanderkote (Near 84 BN CRPF Camp) (120m)	141+200 to 141+320 (NB)	Private Designated	The muck is directly going into Chenab river. Gabion needs to be provided.
9.	Chanderkote (Near 48 Bridge) (20 m)	143+360 to 143+380 (SB)	Non-Designated	Muck going directly into Chenab River. Gabion needs to be provided.
10.	Chanderkote (Near 48 Bridge) (20 m)	143+400 to 143+420 (SB)	Non-Designated	Muck going directly into Chenab River. Gabion needs to be provided.
11.	Chanderkote (Near 48 Bridge) (20 m)	143+720 to 143+740 (SB)	Non-Designated	Muck going directly into Chenab River. Gabion needs to be provided.
12.	Kanthi (Karol-I) Bridge 51 (Near Hotel Khana Khazana) (20 m)	144+950 to 144+970 (SB)	Private Designated	Green cover has come up in some portion of this site. Gabion needs to be raised.
13.	Ramban (Near Kundi Nallah Bridge 53) (New Identified site) (50 m)	145+620 to 145+850 (SB) 145+850 to 145+900 (SB)	Non-Designated State land	Kundi Nallah Bridge 53 new identified dumping site Chainage:-km 145+850 to 145+900 (SB) 50m but in reality they are dumping 230 m in excess from km 145+620 to 145+850 (SB). Nallah choked due to muck dumping and needs to be channelized.
14.	Kanthi- Karol (Near Amar Punjabi Dhaba) (New Identified site) (86 m)	146+084 to 146+094 (SB) 146+094 to 146+180 (SB)	Non-Designated State land	This is a new identified dumping site of length 86 Meters but in reality dumping is being done 10m in excess i.e. from km 146+084 to km 146+094 (SB).
15.	Opp. Horticulture Office Gate (30 m)	146+200 to 146+230 (SB)	Non-Designated	Muck going directly into Chenab River. Gabion structure needs to be provided.
16.	Neera (Opp. PHE Water Filling Station) (New Identified site) (300 m)	147+225 to 147+525 (SB) 147+525 to 147+560 (SB)	State land Non-Designated	This is also a new identified dumping site of length 300 m but in reality dumping is being done 35m in excess from km 147+525 to km 147+560 (SB). Muck going into Chenab River. Gabion structure needs to be provided.

17.	Cafeteria Morh Ramban (Opp. Army Camp Maitra) (New Identified site) (850 m)	147+850 to 148+700 (SB)	State land	Muck is directly going into Chenab River. Gabions are not provided.
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The detail of various dumping sites (designated/Non-designated) earlier operated by M/s HCC, currently operated by M/s CPPPL from (Ramban to Banihal) is given as under:-

S. No.	Name of the site / village	Chainage in K, (SB)	GPS Coordinates	Title of the land/ designated /non-designated	Area in Hectare	Total Capacity (cu.m)	Quantity Dumped as on April 2019 (cu.m)	Capacity available as on April 2019 (cu.m)	Status
1.	Seri-Chamba	150+330 to 150+900	33°14'58" N 75°13'33" E	Non Designated (Old BRO site)	-	-	-	-	Illegal dumping is going on
2.	Seri -Near Shiv Temple	151+350	33°15'25" N 75°12'16" E	Private land	-	-	-	-	Closed
3.	Seri	152+800	33°14'43" N 75°13'02" E	Private	2.16	64375	64375	0	Closed
4.	Marog-I	154+000 to 154+200	33°15'27" N 75°11'45" E	Forest	0.14	243200	243200	0	Closed
5.	Marog-II (Near Tunnel T-2)	155+000 to 155+100	33°15'47" N 75°11'29" E	Private	2.15	205200	205200	0	In-use
6.	Marog-III	155+760 to 155+870	33°15'17" N 75°17'06" E	Non Designated	-	-	-	-	Slide debris dumped

7.	Battery Chashma	158+710 158+960	to	33°16'48" N 75°10'48" E	Forest	0.18	45360	45360	0	Closed
8.	Anokhe Fall	159+100 159+400	to	33°16'59" N 75°10'43" E	Forest	0.30	343200	308880	34320	In-use
9.	Digdole	160+060 160+200	to	33°17'22" N 75°10'40" E	Non Designated	-	-	-	-	Slide debris dumped
10.	Digdole- I	161+200 161+580	to	33°17'45" N 75°10'38" E	Forest	4.70	878900	659175	219725	In-use
11.	Digdole- II	161+650 162+000	to	33°17'45" N 75°10'52" E	Forest	1.10	447700	447700	0	Closed
12.	Digdole- III	163+200 163+290	to	33°18'27" N 75°10'52" E	Forest	1.40	260923	169600	91323	In-use
13.	Panthyal	165+750 165+910	to	33°19'18" N 75°11'49" E	Forest	0.26	26000	15600	10400	In-use
14.	Mompassi	167+000 167+680	to	33°19'18" N 75°11'49" E	Forest	0.47	55543	55543	0	Closed
15.	Near Ramsu Bridge	167+780 km		33°25'33" N 75°11'40" E	Non Designated	-	-	-	-	Illegal dumping is going on
16.	Near Ramsu Foot Bridge	168+450 km		33°25'33" N 75°11'46" E	Non Designated	-	-	-	-	Illegal dumping is going on
17.	Ramsu	168+680 169+100	to	33°20'43" N 75°11'13" E	Private	2.31	58072	31843	23229	In-use
18.	Gangroo-Ramsu	169+600 169+750	to	33°20'45" N 75°10'56" E	Private					
19.	Hingni	170+950 171+250	to	33°21'15" N 75°10'19" E	State +Private+ Forest	1.30	35000	35000	0	Closed

20.	Near kishtwari Pathar	173+530 173+800	to	33°22'02" N 75°11'16" E	Non Designated	-	-	-	-	Illegal dumping going on
21.	Sherbibi	175+400 176+200	to	33°12'22" N 75°12'2" E	Private	9.40	528640	422912	105728	In use
22.	Sherbibi-I	176+900		33°23'2" N 75°12'4" E	Non Designated	-	-	-	-	Illegal dumping going on
23.	Chamalwas	177+000 177+050	to	33°23'20" N 75°12'7" E	Private	0.15	8400	8400	0	Closed
24.	Chamalwas-I	177+400		33° 23'11" N 75°12'2" E	Non Designated	-	-	-	-	Illegal dumping going on
25.	Rattanwas-I	179+200 179+500	to	34° 24'23" N 75°11'54" E	Private	2.3	67200	57120	10080	In-use
26.	Rattanwas- II	179+560 179+820	to	34° 24'28" N 75°12'4" E	Private					
27.	Rattanwas- III	181+580- 181+650		33° 25'23" N 75°12'17" E	Private	0.93	48000	43200	4800	In-use
28.	Kharpora Banihal	181+690 181+740	to	33°25'29" N 75°12'17" E	Non Designated	-	-	-	-	Illegal dumping going on
29.	Banihal-I & II	-		33° 25'46" N 75°12'51" E	Private Land	2.5	9773	9773	0	Closed

Please note: Designated sites = 20 Nos. and Non-designated sites = 09 Nos.

Details of new identified dumping sites of M/s HCC are as under:-

S. No.	Name of the site/village	Chainage / (SB)/ Length	Title of the land
1.	Marog	156+200 to 156+560 (SB)/ 350m	Forest land
2.	Digdole	158+330 to 158+510 (SB)/ 180m	Forest land
3.	Near Khooni Nallah	164+500 to 164+650 (SB)/ 150m	Forest land

Specific observations of dumping sites that were earlier operated by M/s HCC & currently operated by M/s CPPPL:

S. No.	Name of the site / village	Chainage in Km (SB)	Specific Observations
1.	Seri-Chamba	150+330 to 150+900	Illegal dumping going on. Needs to be stopped immediately.
2.	Marog Near Tunnel (T-2)	155+000 to 155+100	Dumping is being done in an unscientific manner. Terracing/ Gabions need to be provided.
3.	Near Battery Chaishma	158+710 to 158+960	Nallah choked needs to be channelized. Hume pipe has been laid down but not connected yet. Few Plants survived after previous year's plantation. Green cover has come up in some portion of this site. Also, site needs to be covered with soil. Gabion structures needs to be repaired.
4.	Anokhe Fall	159+100 to 159+400	Green cover has come up in some portion of this site. Gabions need to be provided.
5.	Digdole-I	161+200 to 161+580	Dumping is being done in an un-scientific manner with no protection provided.
6.	Panthyal	165+750 to 165+910	Dumping is in progress, gabion structures need to be repaired. Panthyal nallah needs to be channelized with hume pipe and Tunnel water needs to routed through settling tank in order to

			<i>prevent pollution of fresh water nallah.</i>
7.	Near Ramsu Bridge	167+780 km	<i>Illegal dumping going on. Gabions need to be provided.</i>
8.	Near Ramsu Foot Bridge	168+450 km	<i>Illegal dumping going on. Gabions need to be provided.</i>
9.	Ramsu & Gangroo-Ramsu	168+680 to 169+100 and 169+600 to 169+750	<i>Dumping of muck as well as landslide debris is done in an un-scientific manner.</i>
10.	Near Kishtwari Pathar	173+530 to 173+900 km	<i>Illegal Muck dumping going on/Bislari nallah is getting choked.</i>
11.	Sherbibi	175+400 to 176+200	<i>Green cover has come up in some portion of this site. Gabions need to be strengthened.</i>
12.	Chamalwas	177+000 to 177+050	<i>Green cover has come up in some portion of this site. Along Bislari nallah, gabions need to be strengthened.</i>
13.	Chamalwas-I	177+400	<i>Nallah is getting choked due to illegal dumping.</i>
14.	Ratanwas-I & II	179+200 to 179+500 and 179+560 to 179+820	<i>Along Bislari nallah, Huge dumping done and still in-progress. Gabions need to be strengthened.</i>
15.	Kharpora Banihal	181+690 to 181+740 Km	<i>Illegal dumping going on. Gabion structure needs to be raised.</i>

In addition to the status of work in respect of designated dumping sites as mentioned above, it is submitted that the concerned agency (M/s Hindustan Construction Company) has not provided undersigned with details of non-designated dumping sites even on repeated requests till date.

The muck has been dumped at various dumping sites earlier by M/s HCC & M/s GECPL and now by M/s CPPPL in a casual manner without any consolidation & the practice is still being followed at all the sites inspected. At most of the dumping sites retaining structures are not provided and at few sites where gabion wall exist along river/nallahs, no proper care of HFL is taken and some are washed away or spilled over by excessive muck dumping. No proper engineering techniques/methods are adopted in muck dumping.

The dumping is also being done at designated sites which have attained their full capacity and also at non-designated sites from Ramban to Banihal (As indicated in tables above). **The four laning project is of national importance for entire Union Territory of J&K, however, M/s CPPPL cannot be allowed to execute the work causally & callously and pollute Chenab River and other fresh water nallahs without any regard for environmental norms and Hon'ble NGT directions.**

If M/s CPPPL is not restrained and checks are imposed it may cause irreparable damage both in terms of polluting the water bodies and destroying aquatic life, flora and fauna as well as causing flood downstream which may be disastrous for the inhabitants living around these areas. Besides, by this illegal muck dumping, river morphology is likely to be altered and it will also interfere with natural course/ flow of this river.

Further, Ramban Police arrested a site engineer and four operators of M/s CPPPL on 27th July, 2020 for violating district administration's orders and directly throwing waste material/muck into the river Chenab at Morh Gohri, Ramban. Police also seized two excavators, one loader and a JCB Machine. (Newspaper cutting dated 28th July, 2020 attached).

Besides the muck/debris being dumped into Chenab river basin in a rampant/haphazard manner is eventually bound to travel downstream with the flow of river ultimately it shall reach the site of Salal Hydro Electric Power Project (SHEPP) and is bound to cause enormous silting behind the dam which shall have disastrous ramifications in terms of power generation of the state. It would not be possible to remove the silt accumulated behind the (SHEPP) by any mechanical means easily as the quantities flowing into the lake of dam shall be enormous. This would put in jeopardy the entire hydro electric project of 690 MW that has been built at the cost of Rs. 928.89 crores in 1987 and approx. 6000 to 7000 Crores as per current price level.

Emphasis needs to be laid on the fact that in the context of repeated and rampant violations by M/s GECPL and now M/s CPPPL a show cause notice was served by Member Secretary J&K PCB vide No.: PCB/NGT/27/2017/1392-94 Dated 25-11-2019 to Project Manager M/s Gammon Engineers & Contractors Pvt. Ltd (GECPL) wherein he was directed to explain the reason within 15 days from its issuance as to why environmental compensation on the basis of 'Polluters Pays' Principle (PPP) in terms of directions of the Hon'ble National

Green Tribunal be not recovered from him and as to why he may not be prosecuted in terms of Section-17 of the Environment (Protection) Act, 1986. (Copy Attached as Annexure-1).

Inspite of their assurances to take corrective measures in this regard, no tangible steps were taken on the ground to rectify the violation.

It also needs to be brought into the notice of the Chairman, NGT National Highway (Udhampur to Banihal) Monitoring Committee that actual status of various dumping sites as it existed on 01st September, 2020 could be based on the quantity of muck dumped by construction companies till that date. Since these quantities are based on actual measurement at site, whose record is not available with J&K PCB. The matter was taken up with NHAI and M/s GECPL for providing these quantities so that violation could be quantified in terms of numbers.

The Project Director (NHAI) PIU-Ramban and Project Manager M/s GECPL also assured Member Secretary J&K PCB in his office Chamber in the month of May 2020 that our directions would be complied with and the quantum of earth work executed would be furnished by them to J&K PCB within 02 to 03 days positively. However, till date the same has not been provided inspite of raising the matter with them on more than one occasion. The relevant correspondence in this regard is attached as (Annexure- 2, 3 & 4) for record & reference.

Also, Irrigation and Flood Control Department has taken suo motto cognizance of the matter and directed the project authorities to stop forthwith illegal dumping of muck directly into the river which is proven to cause flooding of the downstream areas with disastrous effect (Copy Attached as Annexure-5).

Further, it is to submit that District Magistrate, Ramban has also imposed restrictions under section- 144 of Criminal Procedure Code (CrPC) against M/s GECPL directing not to dump the muck/materials in nallahs or other places except the identified muck dumping sites in District Ramban vide order No. DMR/711-15 dated 30-11-2019 (Copy Attached as Annexure-6).

Also, it is to submit that Tehsildar, Executive Magistrate 1st Class Ramban has also issued Notice under section- 133 of Criminal Procedure Code (Cr. PC) against General Manager M/s GECPL directing not to dump the muck/materials in Kow bagh Ramban vide No. TR/00/2019-20/NH-44/1573-74 dated 24-01-2020 (Copy Attached as Annexure-7).

In addition to above, District Magistrate Ramban has directed NHAI under Section-133 of CrPC vide order No. : DMR/1071-73 dated 26-05-2020 to remove the extra muck dumped in River Chenab other than the muck dumping sites and also to take corrective measures within a period of 02 months from the date of issuance of this order. (Copy Attached as Annexure-8).

The substantial evidence of environmental violation committed by the construction companies as it existed on 01st and 02nd September,

2020 at various dumping sites has been captured in photographs with labelling are attached for supporting the case.

Recommendation:

In view of the above stated facts, it is recommended that Project Director NHAI- PIU Ramban, Project Manager M/s Gammon Engineers & Contractors Pvt. Ltd. (GECPL), Project Manager M/s Hindustan Construction Company (HCC) Ltd. & Project Manager M/s Choudhary Power Projects Private Ltd. (CPPPL) may be prosecuted under Section-17 of Environment (Protection) Act, 1986 for non-compliance of conditions of Environmental Clearance obtained by them for execution of the project and for directly dumping muck in Chenab River & for causing damage to the environment in violation to Hon'ble NGT order dated 12-02-2019 and also levying environmental compensation on the basis of 'Polluters Pays' Principle (PPP) in terms of directions of the Hon'ble National Green Tribunal."

6. Learned counsel for the NHAI has not disputed the report of the MC but submitted that on its part the NHAI has instructed the contractors for taking remedial action.

7. On the other hand, learned counsel for the contractors HCCL and GIL have filed copies of the letters to the NHAI to the effect that the contractors have been taking all possible measures. The submission of the learned counsel for the HCCL is that no work was going on till 31.07.2020 due to lock down. There were rains and landslides from June, 2020 to August, 2020 and there was default on the part of the Government in not giving additional space. The area is prone to landslides and on short notice the road is to be cleared.

8. We are unable to accept the justification put forth by the NHAI and its contractors. The fact remains that work has been going on and even during lock down period the responsibility for the damage cannot be altogether ignored, particularly when the damage caused is because of the activities prior to lock down. The report of an independent MC,

headed by a former Judge of the High Court, based on site inspection by officers of the statutory authority, backed by photographic and other evidence, including orders of Executive magistrate recording the violations, has found violation of environmental norms. We do not see any reason not to accept the report merely on account of self-serving and untenable denials of the contractors in question. Even NHAI has not disputed the violation but has blamed the contractors. We are, thus, unable to accept the stand of the contractors.

9. In view of the above, we accept the recommendations of the MC that the NHAI and the contractors have to take remedial action. NHAI cannot be rest content by simply saying that it has asked the contractors to take remedial action. Responsibility of NHAI to maintain environmental norms remains. The contractors are agencies of the NHAI, for which the NHAI also remains responsible. There is no bar against the NHAI from substituting its contractors violating the law by the compliant ones.

10. The State PCB may accordingly proceed with coercive measures, including assessment and recovery of compensation for the damage and initiating prosecution against the violators of environmental norms, following the due process of law. The MC may monitor further action of the State PCB. A further report as on 31.03.2021 may be filed before the next date by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

11. In view of the above order, M.A. No. 248/2019 which was filed on 17.12.2019 does not survive and is disposed of.

A copy of this order be sent to Justice J.R.Kotwal, former Judge, J&K High Court, heading the MC, the State PCB and CPCB by email.

List for further consideration on 06.04.2021.

Adarsh Kumar Goel, CP

S. P. Wangdi, JM

Dr. Nagin Nanda, EM

September 28, 2020
Execution Application No. 32/2016
IN
O.A. No. 295/2016
M.A. No. 248/2019
A

Item No. 03

(Court No. 1)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Execution Application No. 32/2016
IN
O.A. No. 295/2016

Amresh Singh

Applicant

Versus

Union of India & Ors.

Respondent(s)

Date of hearing: 28.06.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE M. SATHYANARAYANAN, JUDICIAL MEMBER
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Respondent: Ms. Akansha Das, Advocate for NHAI
Mr. Raj Kumar, Advocate for CPCB
Ms. Aanchal Mullick, Advocate for M/s Hindustan Construction Co. Ltd.
Mr. Aniruddh Singh, Advocate for M/s Gammon India Ltd.

ORDER

1. The issue for consideration is the remedial action against violation of environmental norms by National Highway Authority of India (NHAI) and its contractors - M/s Gammon India Limited (GIL), the Hindustan Construction Co. Ltd. (HCCL) and M/s Choudhary Power Project Pvt. Ltd. (CPPPL), sub-contractor of M/s GIL and M/s HCCL, in the course of four laning of National Highway from Udhampur to Banihal in Jammu and Kashmir.

2. The matter has been considered by this Tribunal during the last four years. For purposes of this order, we may refer to last six orders i.e. 24.08.2018, 12.02.2019, 11.07.2019, 09.01.2020, 20.03.2020 and 28.9.2020.

3. By the **first order**, the matter was considered in the light of reports of statutory/expert committees received to the effect that damage to environment was taking place by dumping of muck without precautions. While directing remedial action, this Tribunal constituted a Monitoring Committee (MC) headed by Justice J.R. Kotwal, former Judge of J&K High Court to give an independent report in the matter.

By the **second order**, the matter was considered in the light of preliminary report of the said MC to the effect that damage to the environment was continuing. The Tribunal accordingly directed the M/s GIL and M/s HCCL to pay interim compensation for damage to the extent of Rs. 1 crore each and performance guarantee of like amount for improving the situation within next three months. **The said order was affirmed by the Hon'ble Supreme Court on 08.07.2019 in Civil Appeal No. 5113-14/2019.**

By the **third order**, the Tribunal considered the report filed on 09.07.2019 based on inspection conducted on 02.05.2019 to the effect that damage to the environment was continuing. The Tribunal directed M/s GIL and M/s HCCL to furnish performance guarantee of Rs. 2 Crore each and NHA1 to furnish performance guarantee of Rs. 1 Crore to the satisfaction of CPCB for remedying the situation.

The **fourth order** also found that the violations were continuing and remedial action was directed to be taken.

Vide **fifth order** dated 20.03.2020, the Tribunal considered report dated 17.03.2020 by the MC based on site inspection on 29th – 31st January, 2020. The deficiencies were pointed out to M/s GIL by the State PCB by notice dated 20.10.2019. The MC gave suggestions and the

Tribunal directed that the suggestions to be acted upon by the project proponents, including measures for slope stabilization.

4. The matter was **last considered on 28.09.2020** in the light of further report dated 24.09.2020 of the monitoring Committee based on status reports dated 31.07.2020 and 17.09.2020 filed by the Divisional Officer of the State PCB with the Regional Director, State PCB, alongwith supporting material. It was found that damage to the environment was continuing as shown by the photographic and other evidence. The NHAI, on whose behalf the contractors were hired, failed to take any remedial action. Accordingly, the Tribunal directed the State PCB to proceed with coercive measures including assessment and recovery of compensation and initiating prosecution against the violators. The Monitoring Committee was requested to give a further report about status of compliance by 31.03.2021. For the sake of continuity, we reproduce the operative part of the earlier order as follows:

“ xxx.....xxx.....xxx
3. *We have taken up the matter today in continuation of earlier proceedings. Further report has been filed on 24.09.2020 based on status reports dated 31.07.2020 and 17.09.2020 filed by the Divisional Officer of the State PCB with the Regional Director, State PCB, alongwith supporting material. On consideration of the said inspection reports, the MC observed that there was failure in preparing and maintaining designated dumping sites as shown by the photographs. The debris excavated in the widening process has been found unscientifically dumped down the hill slopes into the seasonal nallas and rivulets. The dumping sites were overflowing and not properly maintained. NHAI failed to exercise supervisory control.*

4. *The relevant extracts from the inspection report dated 31.07.2020 submitted by the Divisional Officer of the State PCB are:*

“Sub: Status of muck dumping by:

1) *M/s Gammon Engineers & Contractors Pvt. Ltd. (GECPL) now subcontracted to M/s Choudhary Power Projects Pvt. Ltd (CPPL) from **Nashri to Ramban stretch** (km 130.00 to km 151.00) w.e.f. August, 2019 engaged in four laning of NH-44.*

2) M/s Hindustan Construction Company (HCC) Ltd now subcontracted to M/s Choudhary Power Projects Pvt. Ltd (CPPL) from **Ramban to Banihal stretch** (km 151.00 to km 187.00) w.e.f. 1st March, 2020 engaged in four laning of NH-44.

Sir,

With regard to the subject cited above and in continuation to this office letter Nos. PCB/DO/Rbn/2020/29 dated: 03-03-2020, PCB/DO/Rbn/2020/25 dated: 28-02-2020, SPCB/DO/Rbn/ 19/191 dated: 10-12-2019 and SPCB/DO/Rbn/19/138 dated: 17-08-2019 it is to inform that the various muck dumping sites (designated & non-designated) that were earlier operated by

M/s Gammon Engineers & Contractors Pvt. Ltd. (GECPL) and M/s Hindustan Construction Company (HCC) Ltd are now being taken over/used by M/s Choudhary Power Projects Private Ltd. (CPPPL) since August 2019 and March, 2020 respectively, were inspected on 28th and 29th July, 2020.

xxx.....xxx.....xxx

General observations:

All the sites have been put to use without proper preparation and gabion walls/structures constructed at foot of these sites are inadequate to meet the desired results/purpose. Further, most of the sites have attained their full capacity & are used without any consideration for attaining proper angle of repose. Further, dumping at these sites should not be allowed. **Those sites which have attained their full capacity need to be stabilised and rehabilitated by using engineering and botanical methods.**

That gabions/retaining structures in most of the portion along the Nallah are either not provided or are washed away or spilled over by excessive muck dumping. **That muck dumping in almost all sites was found done in an un-scientific manner and without proper compaction & terracing.** It is also observed that no proper methods are adopted to properly stabilise the slopes in terraces or in erecting retaining structures; besides there is no provision of drainage system in dumping area. No slope stabilization work has been done by way of plantation of suitable species and other green cover. At almost all sites muck dumping was found done without proper compaction and loose muck is going directly into Chenab River and other fresh water Nallahs/ water bodies.

Specific observations of dumping sites that were earlier operated by M/s GECPL & currently operated by M/s CPPPL:

The inspection was conducted on 29th July, 2020 and specific observations made area as under:-

S. No.	Name of the site	Chainage	Title of the land/ Designated / Non-designated	Specific observations
1.	Nashri (110 m)	130+690 to 130+800 (NB)	Forest-Designated	Site Closed but illegal dumping is going on. No retaining structure constructed and area is in sinking zone.
2.	Sarga Temple (100 m)	132+400 to 132+500 (NB)	Forest-Designated	Green cover has come up in some portion of this site. Muck Spill over/ Gabion damaged, need urgent repair. Nallah channelization work stopped midway.
3.	Dhalwas- Peerah- I (50 m)	134 +770 to 134+820 (NB)	Forest-Designated	Dumping in-progress and no protection provided.
4.	Dhalwas- Peerah- II (50 m)	135+300 to 135+350 (NB)	Forest-Designated	Dumping in-progress and no protection provided. Peerah Nallah getting choked due to muck dumping and needs to be channelized. Gabion damaged needs immediate repair.
5.	Sawani- I (40 m)	135+900 to 135+940 (NB)	NHAI Acquired	Site Closed but illegal dumping is still going on. No protection provided. The muck is thrown illegally which has choked
6.	Sawani – Peerah Near Dam View Hotel (50 m)	138+050 to 138+100 (SB)	Private Designated	Green cover has come up in some portion of this site. Muck spill over/ Gabion needs to be strengthened & raised.
7.	Near T-1, T-2 Kunfer Nallah	139+297 to 139+319 (SB)	Tunnel Site	Illegal dumping going on. Kunfer Nallah getting choked due to dumping of heavy boulders and needs to be channelized.
8.	Chanderkote (Near 84 BN CRPF Camp) 120m)	141+200 to 141+320 (NB)	Private Designated	The muck is directly going into Chenab river. Gabion needs to be provided.
9.	Chanderkote (Near 48 Bridge) (20 m)	143+360 to 143+380 (SB)	Non-Designated	Muck going directly into Chenab River. Gabion needs to be provided.
10.	Chanderkote (Near 48 Bridge)	143+400 to 143+420 (SB)	Non-Designated	Muck going directly into Chenab River. Gabion needs to be provided.
11.	Chanderkote (Near 48 Bridge)	143+720 to 143+740 (SB)	Non-Designated	Muck going directly into Chenab River. Gabion needs to be provided.

12.	Kanthi (Karol-I) Bridge 51 (Near Hotel Khana Khazana) (20 m)	144+950 to 144+970 (SB)	Private Designated	Green cover has come up in some portion of this site. Gabion needs to be raised.
13.	Ramban (Near Kundi Nallah Bridge 53) (New Identified site) (50 m)	145+850 to 145+900 (SB)	Non-Designated State land	Kundi Nallah Bridge 53 new identified dumping site Chainage:-km 145+850 to 145+900 (SB) 50m but in reality they are dumping 230 m in excess from km 145+620 to 145+850 (SB). Nallah choked due to muck dumping and needs to be channelized.
14	Kanthi- Karol (Near Amar Punjabi Dhaba) (New Identified site) (86 m)	146+094 to 146+180 (SB)	Non-Designated State land	This is a new identified dumping site of length 86 Meters but in reality dumping is being done 10m in excess i.e. from km 146+084 to km 146+094 (SB).
15.	Opp. Horticulture Office Gate (30 m)	146+200 to 146+230 (SB)	Non-Designated	Muck going directly into Chenab River. Gabion structure needs to be provided.
16.	Neera (Opp. PHE Water Filling Station) (New Identified site) (300 m)	147+225 to 147+525 (SB) 147+525 to 147+560 (SB)	State land Non-Designated	This is also a new identified dumping site of length 300 m but in reality dumping is being done 35m in excess from km 147+525 to km 147+560 (SB). Muck going into Chenab River. Gabion structure needs to be provided.
17.	Cafeteria Morh Ramban (Opp. Army Camp Maitra) (New Identified site) (850 m)	147+850 to 148+700 (SB)	State land	Muck is directly going into Chenab River. Gabions are not provided.

Specific observations of dumping sites that were earlier operated by M/s HCC & currently operated by M/s CPPPL:

S. No.	Name of the site / Village	Chainage (SB)	Specific Observations
1.	Seri-Chamba	150+330 to 150+900	Illegal dumping going on. Needs to be stopped immediately.

2.	Marog Near Tunnel (T-2)	155+000 to 155+100	Dumping is being done in an unscientific manner. Terracing/ Gabions need to be provided.
3.	Near Battery Chaishma	158+710 to 158+960	Nallah choked. Few Plants survived after previous year's plantation. Green cover has come up in some portion of this site. Also, site needs to be covered with soil. Gabion structures needs to be repaired.
4.	Anokhe Fall	159+100 to 159+400	Green cover has come up in some portion of this site. Gabions need to be provided.
5.	Digdole-I	161+200 to 161+580	Dumping is being done in an unscientific manner with no protection provided.
6.	Panthyal	165+750 to 165+910	Dumping is in progress, gabion structures need to be repaired. Panthyal nallah needs to be channelized with hume pipe and Tunnel water needs to routed through settling tank in order to prevent pollution of fresh water nallah.
7.	Near Ramsoo Bridge	167+780 km	Illegal dumping going on. Gabions need to be provided.
8.	Near Ramsoo Foot Bridge	168+450 km	Illegal dumping going on. Gabions need to be provided.
9.	Ramsoo & Gangroo-Ramsoo	168+680 to 169+100 and 169+600 to 169+750	Dumping of muck as well as landslide debris is done in an un-scientific manner.
10.	Near Kishtwari Pathar	173+530 to 173+900 km	Illegal Muck dumping going on/Bislari nallah is getting choked.
11.	Sherbibi	175+400 to 176+200	Green cover has come up in some portion of this site. Gabions need to be strengthened.
12.	Chamalwas	177+000 to 177+050	Green cover has come up in some portion of this site. Along Bislari nallah, gabions need to be strengthened.
13.	Chamalwas-I	177+400	Nallah is getting choked due to illegal dumping.
14.	Ratanwas-I & II	179+200 to 179+500 and 179+560 to 179+820	Along Bislari nallah, Huge dumping done and still in-progress. Gabions need to be strengthened
15.	Kharpora Banihal	181+690 to 181+740 Km	Illegal dumping going on. Gabion structure needs to be raised.

*In addition to the status of work in respect of designated dumping sites as mentioned above, it is submitted that **the concerned agency (M/s Hindustan Construction Company) has not provided undersigned with details of***

non-designated dumping sites even on repeated requests till date.

The muck has been dumped at various dumping sites earlier by M/s HCC & M/s GECPL and now by M/s CPPPL in a casual manner without any consolidation & the practice is still being followed at all the sites inspected. At most of the dumping sites retaining structures are not provided and at few sites where gabion wall exist along river/nallahs, no proper care of HFL is taken and some are washed away or spilled over by excessive muck dumping. No proper engineering techniques/methods are adopted in muck dumping.

The dumping is also being done at designated sites which have attained their full capacity and also at non-designated sites from Ramban to Banihal (As indicated in tables above). The four laning project is of national importance for entire Union Territory of J&K, however, M/s CPPPL cannot be allowed to execute the work causally & callously and pollute Chenab River and other fresh water nallahs without any regard for environmental norms and Hon'ble NGT directions.

If M/s CPPPL is not restrained and checks are imposed it may cause irreparable damage both in terms of polluting the water bodies and destroying aquatic life, flora and fauna as well as causing flood downstream which may be disastrous for the inhabitants living around these areas. Besides, by this illegal muck dumping, river morphology is likely to be altered and it will also interfere with natural course/ flow of this river.

Further, Ramban Police arrested a site engineer and four operators of M/s CPPPL on 27th July, 2020 for violating district administration's orders and directly throwing waste material/muck into the river Chenab at Morh Gohri, Ramban. Police also seized two excavators, one loader and a JCB Machine. (Newspaper cutting dated 28th July, 2020 attached).

Besides the muck/debris being dumped into Chenab river basin in a rampant/haphazard manner is eventually bound to travel downstream with the flow of river ultimately it shall reach the site of Salal Hydro Electric Power Project (SHEPP) and **is bound to cause enormous silting behind the dam which shall have disastrous ramifications in terms of power generation of the state.** It would not be possible to remove the silt accumulated behind the (SHEPP) by any mechanical means easily as the quantities flowing into the lake of dam shall be enormous. This would put in jeopardy the entire hydro electric project of 690 MW that has been built at the cost of Rs. 928.89 crores in 1987 and approx. 6000 to 7000 Crores as per current price level.

Emphasis needs to be laid on the fact that in the context of repeated and rampant violations by M/s GECPL and now M/s CPPPL **a show cause notice was served by Member**

Secretary J&K PCB vide No.: PCB/NGT/27/2017/1392-94 Dated 25-11-2019 to Project Manager M/s Gammon Engineers & Contractors Pvt. Ltd (GECPL) wherein he was directed to explain the reason within 15 days from its issuance as to why environmental compensation on the basis of Polluters Pays' Principle (PPP) in terms of directions of the Hon'ble National Green Tribunal be not recovered from him and as to why he may not be prosecuted in terms of Section-17 of the Environment (Protection) Act,1986. (Copy Attached as Annexure-1).

In spite of their assurances to take corrective measures in this regard, no tangible steps were taken on the ground to rectify the violation.

It also needs to be brought into the notice of the Chairman, NGT National Highway (Udhampur to Banihal) Monitoring Committee that actual status of various dumping sites as it existed on 30th June, 2020 could be based on the quantity of muck dumped by construction companies till that date. Since these quantities are based on actual measurement at site, whose record is not available with J&K PCB. The matter was taken up with NHAI and M/s GECPL for providing these quantities so that violation could be quantified in terms of numbers.

The Project Director (NHAI) PIU-Ramban and Project Manager M/s GECPL also assured Member Secretary J&K PCB in his office Chamber in the month of May 2020 that our directions would be complied with and the quantum of earth work executed would be furnished by them to J&K PCB within 02 to 03 days positively. However, till date the same has not been provided in spite of raising the matter with them on more than one occasion. The relevant correspondence in this regard is attached as (Annexure- 2, 3 & 4) for record & reference.

Also, Irrigation and Flood Control Department has taken suo motto cognizance of the matter and directed the project authorities to stop forthwith illegal dumping of muck directly into the river which is proven to cause flooding of the downstream areas with disastrous effect (Copy Attached as Annexure-5).

Further, it is to submit that **District Magistrate, Ramban has also imposed restrictions under section 144 of Criminal Procedure Code (CrPC) against M/s GECPL directing not to dump the muck/materials in nallahs or other places except the identified muck dumping sites in District Ramban vide order No.DMR/711_-15 dated 30-11-2019 (Copy Attached as Annexure-6).**

Also, it is to submit that **Tehsildar, Executive Magistrate Ist Class Ramban has also issued Notice under section- 133 of Criminal Procedure Code (CrPC) against General Manager M/s GECPL directing not to dump the muck/materials in Kow bagh Ramban vide No. TR/00/2019-20/NH-44/1573-74 dated 24-01-2020 (Copy Attached as Annexure-7).**

In addition to above, District Magistrate Ramban has directed NHAI under Section-133 of CrPC vide order No. :

DMR/1071-73 dated 26-05-2020 to remove the extra muck dumped in River Chenab other than the muck dumping sites and also to take corrective measures within a period of 02 months from the date of issuance of this order. (Copy Attached as Annexure-8).

The substantial evidence of environmental violation committed by the construction companies as it existed on 28th and 29th July, 2020 at various dumping sites has been captured in photographs with labelling are attached for supporting the case.

Recommendation:

*In view of the above stated facts, it is recommended that **Project Director NHAI- PIU Ramban, Project Manager M/s Gammon Engineers & Contractors Pvt. Ltd. (GECPL), Project Manager M/s Hindustan Construction Company (HCC) Ltd & Project Manager M/s Choudhary Power Projects Private Ltd. (CPPPL) may be prosecuted under Section-17 of Environment (Protection) Act, 1986 for non-compliance of conditions of Environmental Clearance obtained by them for execution of the project and for directly dumping muck in Chenab River & for causing damage to the environment in violation to Hon'ble NGT order dated 12-02-2019 and also levying environmental compensation on the basis of Polluters Pays' Principle (PPP) in terms of directions of the Hon'ble National Green Tribunal.***

5. Report dated 03.09.2020 with regard to another stretch has also been filed as follows:-

“Sub: Status of muck dumping by:

1. M/s Gammon Engineers & Contractors Pvt. Ltd. (GECPL) now subcontracted to M/s Choudhary Power Projects Pvt. Ltd (CPPL) from Nashri to Ramban stretch (km 130.00 to km 151.00) w.e.f. August, 2019 engaged in four laning of NH-44.
2. M/s Hindustan Construction Company (HCC) Ltd. now subcontracted to M/s Choudhary Power Projects Pvt. Ltd (CPPL) from Ramban to Banihal stretch (km 151.00 to km 187.00) w.e.f. March, 2020 engaged in four laning of NH-44.

Sir,

With regard to the subject cited above and in continuation to this office letter Nos. PCB/DO /Rbn/2020 /65 dated: 31.07-2020, PCB/DO/ Rbn/ 2020/29 dated: 03.03.2020, PCB/DO /Rbn/2020/251 dated: 28.02.2020 and SPCB/DO/Rbn/ 19/138 dated: 17-08-2019 it is to inform that the various muck dumping sites (designated & non-designated) that were earlier operated by M/s Gammon Engineers & Contractors Pvt. Ltd. (GECPL) and M/s Hindustan Construction Company (HCC) Ltd are now being taken over/used by M/s Choudhary Power Projects Private Ltd. (CPPPL) since August 2019 and March, 2020 respectively, were inspected on 1st and 2nd September, 2020 and observations are made as under:

The detail of various dumping sites (designated/Non-designated) that were earlier operated by M/s GECPL & currently operated by M/s CPPPL from (Nashri to Ramban) is given as under:-

S. No.	Name of Site/ village	Chainage in (NB/SB)	GPS Coordinates	Title of the land Designated and non designated	Area in hectare	Total Capacity (cu.m)	Quantity Dumped as on July 2019 (cu.m)	Capacity available as on July 2019 (cu.m.)	State
1.	Nashri	130+690 to 130+800 (NB)	33°8'13"N 75°17'59"E	Forest- Designated	1.00	95000	57000	38000	Closed but illegal dumping going on/ Land Sinking.
2.	Nashri (near Lucky Dhaba)	131+280 to 131+350 (NB)	33°8'29"N 75°18'13"E	Private Designated	0.61	60000	60000	0	Closed
3.	Sarga Temple	132+400 to 132+500 (NB)	33°9'03"N 75°18'22"E	Forest Designated	1.20	110000	95000	15000	In-use.
4.	Dhalwas	132+700 to 133+100 (NB)	33° 9'18"N 75°18'26"E	Non Designated	-	-	-	-	Land Slide debris dumped / Road sinked
5.	Dhalwas- I	133+350 to 133+400 (NB)	33°9'30"N 75°18'31"E	NHAI Acquired	0.98	72000	45000	27000	Closed
6.	Dhalwas- II Near School	133+420 to	33°9'33"N	NHAI Acquired	1.01	72000	21600	50400	Closed

		133+460 (NB)	75°18'32"E						
7.	Dhalwas- Peerah- I	134+770 To 134+820 (NB)	33°10'6"N 75°18'20"E	Forest Designated	5.07	520000	275000	245000	<i>In-use</i>
8.	Dhalwas- Peerah- II	135+300 to 135+350 (NB)	33°10'10"N 75°18'2"E	Forest Designated	7.55	780000	450000	330000	<i>In-use</i>
9.	Sawani- I	135+900 to 132+940 (NB)	33°10'14"N 75°17'52"E	NHAI Acquired	1.76	140000	140000	0	<i>Closed but illegal dumping going on.</i>
10.	Sawani- II	136+760 to 136+810 (NB)	33°10'28"N 75°18'11"E	NHAI Acquired	2.83	218648	210000	8648	<i>Closed</i>
11.	Sawani -III Peerah Near Dam View Hotel	138+050 to 138+100 (SB)	33°10'28"N 75°18'23"E	Private Designated	1.89	179645	120000	59645	<i>In-use</i>
12.	Near T-1, T- 2 Kunfer Nallah	139+297 To 139+319 (SB)	33° 10'52"N 75°17'57"E	Tunnel Site	-	-	-	-	<i>Illegal dumping is going on / Nallah is getting choked.</i>
13.	Chanderkot e (Near 84 Bn CRPF Camp)	141+200 To 141+320 (NB)	33°12'23"N 75°16'52"E	Private Designated	1.76	3750	3750	0	<i>Closed but illegal dumping going on</i>

14.	Near 48 Bridge Chanderkote	143+360 to 143+380 (SB) 20 m	33°12'25"N 75°16'47"E	Non Designated	-	-	-	-	Illegal dumping going on
15.	Near 48 Bridge Chanderkote	143+400 to 143+420 (SB) 20 m	33°12'27"N 75°16'45"E	Non Designated	-	-	-	-	Illegal dumping going on
16.	Near 48 Bridge Chanderkote	143+720 to km 143+740 (SB) 20 m	33°12'27"N 75°16'45"E	Non Designated	-	-	-	-	Illegal dumping going on
17.	Near Jaswal Bridge	144+500 to km 144+520 (SB)	33° 12'53"N 75° 16'20"E	Private Land	-	-	-	-	Muck overflow. Gabion needs to be raised.
18.	Kanthi (Karol-I) Bridge 51 (Near Hotel Khana Khazana)	144+950 to 144+970 (SB)	33° 13'5"N 75° 16'18"E	Private Designated	0.48	33500	33500	0	Closed
19.	Kanthi - Karol- II Near Kundi Nallah Bridge-53.	145+440 to 145+500 (SB)	33° 13'25"N 75° 16'1"E	Private Designated	0.78	78000	78000	0	Closed
20.	Kanthi	145+520 to 145+620 (SB)	33°13'27"N 75° 15'56"E	Private Designated	1.76	140000	135000	5000	Closed
21.	Kanthi -II	145+620 to	33° 13'12"N 75° 16'4"E	Non Designated	-	-	-	-	Illegal dumping is going on.

		145+850 (SB) (230 m)							
22.	Ramban Near Kundi Nallah Bridge 53 (New Identified site)	145+850 to 145+900 (SB) 50 m	33°13'27"N 75°16'0"E	State Land	-	-	-	-	In-use
23.	Kanthi- Karol (Near Amar Punjabi Dhaba) (New Identified site)	146+094 to 146+180 (SB) 86 m	33°13'14"N 75°15'51"E	State Land	-	-	-	-	In-use
24.	Opp. Horticulture Office Gate	146+200 to 146+230 (SB)	33°13'21"N 75°15'53"E	Non Designated	-	-	-	-	Illegal Dumping going on
25.	Neera (Opp. PHE Water Filling Station) (New Identified site)	147+225 to 147+525 (SB) 300 m	33°13'44"N 75°15'10"E	State Land	-	-	-	-	In-use
26.	Cafeteria Morh Ramban (Opp. Army Camp Maitra) (New Identified site)	147+850 to 148+700 (SB) 850 m	33°14'01"N 75°14'51"E	State Land	-	-	-	-	In-use
27.	Kowbagh, Ramban	149+650 to 149+750 (SB)	33°13'10"N 75°12'06"E	Forest Designated	1.55	140000	91000	49000	Closed

General observations:

All the sites have been put to use without proper preparation and gabion walls/structures constructed at foot of these sites are inadequate to meet the desired results/purpose. Further, most of the sites have attained their full capacity & are used without any consideration for attaining proper angle of repose. Further, dumping at these sites should not be allowed. Those sites which have attained their full capacity need to be stabilised and rehabilitated by using engineering and botanical methods.

That gabions/retaining structures in most of the portion along the Nallah are either not provided or are washed away or spilled over by excessive muck dumping. That muck dumping in almost all sites was found done in an un-scientific manner and without proper compaction & terracing. It is also observed that no proper methods are adopted to properly stabilise the slopes in terraces or in erecting retaining structures; besides there is no provision of drainage system in dumping area. No slope stabilization work has been done by way of plantation of suitable species and other green cover. At almost all sites muck dumping was found done without proper compaction and loose muck is going directly into Chenab River and other fresh water Nallahs/ water bodies.

**Specific observations of dumping sites that were earlier operated by M/s GECPL & currently operated by M/s CPPPL:
The inspection was conducted on 02nd September, 2020 and specific observations made area as under:-**

S. No.	Name of the site	Chainage in km	Title of the land/ Designated / Non- designated	Specific observations
1.	Nashri (110 m)	130+690 to 130+800 (NB)	Forest-Designated	Site Closed but illegal dumping is going on. No retaining structure constructed and area is in sinking zone.
2.	Sarga Temple (100 m)	132+400 to 132+500 (NB)	Forest-Designated	Green cover has come up in some portion of this site. Muck Spill over/Gabion damaged, needs urgent repair. Nallah channelization work stopped midway.
3.	Dhalwas- Peerah- I (50 m)	134 +770 to 134+820 (NB)	Forest-Designated	Dumping in-progress and no protection provided.
4.	Dhalwas- Peerah- II (50 m)	135+300 to 135+350 (NB)	Forest-Designated	Dumping in-progress and no protection provided. Peerah Nallah getting choked due to muck dumping and needs to be channelized .Gabion damaged needs immediate repair.
5.	Sawani- I (40 m)	135+900 to 135+940 (NB)	NHAI Acquired	Site Closed but illegal dumping is still going on. No protection provided. The muck is thrown illegally which has choked the Peerah Nallah.
6.	Sawani-Peerah Near Dam View Hotel (50 m)	138+050 to 138+100 (SB)	Private Designated	Green cover has come up in some portion of this site. Muck spill over/Gabion needs to be strengthened & raised.

7.	Near T-1, T-2 Kunfer Nallah	139+297 to 139+319 (SB)	Tunnel Site	Illegal dumping going on. Kunfer Nallah getting choked due to dumping of heavy boulders and needs to be channelized.
8.	Chanderkote (Near 84 BN CRPF Camp) (120m)	141+200 to 141+320 (NB)	Private Designated	The muck is directly going into Chenab river. Gabion needs to be provided.
9.	Chanderkote (Near 48 Bridge) (20 m)	143+360 to 143+380 (SB)	Non-Designated	Muck going directly into Chenab River. Gabion needs to be provided.
10.	Chanderkote (Near 48 Bridge) (20 m)	143+400 to 143+420 (SB)	Non-Designated	Muck going directly into Chenab River. Gabion needs to be provided.
11.	Chanderkote (Near 48 Bridge) (20 m)	143+720 to 143+740 (SB)	Non-Designated	Muck going directly into Chenab River. Gabion needs to be provided.
12.	Kanathi (Karol-I) Bridge 51 (Near Hotel Khana Khazana) (20 m)	144+950 to 144+970 (SB)	Private Designated	Green cover has come up in some portion of this site. Gabion needs to be raised.
13.	Ramban (Near Kundi Nallah Bridge 53) (New Identified site) (50 m)	145+620 to 145+850 (SB) 145+850 to 145+900 (SB)	Non-Designated State land	Kundi Nallah Bridge 53 new identified dumping site Chainage:-km 145+850 to 145+900 (SB) 50m but in reality they are dumping 230 m in excess from km 145+620 to 145+850 (SB). Nallah choked due to muck dumping and needs to be channelized.
14.	Kanathi- Karol (Near Amar Punjabi Dhaba) (New Identified site) (86 m)	146+084 to 146+094 (SB) 146+094 to 146+180 (SB)	Non-Designated State land	This is a new identified dumping site of length 86 Meters but in reality dumping is being done 10m in excess i.e. from km 146+084 to km 146+094 (SB).
15.	Opp. Horticulture Office Gate (30 m)	146+200 to 146+230 (SB)	Non-Designated	Muck going directly into Chenab River. Gabion structure needs to be provided.
16.	Neera (Opp. PHE Water Filling Station) (New Identified site) (300 m)	147+225 to 147+525 (SB) 147+525 to 147+560 (SB)	State land Non-Designated	This is also a new identified dumping site of length 300 m but in reality dumping is being done 35m in excess from km 147+525 to km 147+560 (SB). Muck going into Chenab River. Gabion structure needs to be provided.

17.	Cafeteria Morh Ramban (Opp. Army Camp Maitra) (New Identified site) (850 m)	147+850 to 148+700 (SB)	State land	Muck is directly going into Chenab River. Gabions are not provided.
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The detail of various dumping sites (designated/Non-designated) earlier operated by M/s HCC, currently operated by M/s CPPPL from (Ramban to Banihal) is given as under:-

S. No.	Name of the site / village	Chainage in K, (SB)	GPS Coordinates	Title of the land/ designated /non-designated	Area in Hectare	Total Capacity (cu.m)	Quantity Dumped as on April 2019 (cu.m)	Capacity available as on April 2019 (cu.m)	Status
1.	Seri-Chamba	150+330 to 150+900	33°14'58" N 75°13'33" E	Non Designated (Old BRO site)	-	-	-	-	Illegal dumping is going on
2.	Seri -Near Shiv Temple	151+350	33°15'25" N 75°12'16" E	Private land	-	-	-	-	Closed
3.	Seri	152+800	33°14'43" N 75°13'02" E	Private	2.16	64375	64375	0	Closed
4.	Marog-I	154+000 to 154+200	33°15'27" N 75°11'45" E	Forest	0.14	243200	243200	0	Closed
5.	Marog-II (Near Tunnel T-2)	155+000 to 155+100	33°15'47" N 75°11'29" E	Private	2.15	205200	205200	0	In-use
6.	Marog-III	155+760 to 155+870	33°15'17" N 75°17'06" E	Non Designated	-	-	-	-	Slide debris dumped
7.	Battery Chashma	158+710 to 158+960	33°16'48" N 75°10'48" E	Forest	0.18	45360	45360	0	Closed

8.	Anokhe Fall	159+100 159+400	to	33°16'59" N 75°10'43" E	Forest	0.30	343200	308880	34320	In-use
9.	Digdole	160+060 160+200	to	33°17'22" N 75°10'40" E	Non Designated	-	-	-	-	Slide debris dumped
10.	Digdole- I	161+200 161+580	to	33°17'45" N 75°10'38" E	Forest	4.70	878900	659175	219725	In-use
11.	Digdole- II	161+650 162+000	to	33°17'45" N 75°10'52" E	Forest	1.10	447700	447700	0	Closed
12.	Digdole- III	163+200 163+290	to	33°18'27" N 75°10'52" E	Forest	1.40	260923	169600	91323	In-use
13.	Panthyal	165+750 165+910	to	33°19'18" N 75°11'49" E	Forest	0.26	26000	15600	10400	In-use
14.	Mompassi	167+000 167+680	to	33°19'18" N 75°11'49" E	Forest	0.47	55543	55543	0	Closed
15.	Near Ramsu Bridge	167+780 km		33°25'33" N 75°11'40" E	Non Designated	-	-	-	-	Illegal dumping is going on
16.	Near Ramsu Foot Bridge	168+450 km		33°25'33" N 75°11'46" E	Non Designated	-	-	-	-	Illegal dumping is going on
17.	Ramsu	168+680 169+100	to	33°20'43" N 75°11'13" E	Private	2.31	58072	31843	23229	In-use
18.	Gangroo-Ramsu	169+600 169+750	to	33°20'45" N 75°10'56" E	Private					
19.	Hingni	170+950 171+250	to	33°21'15" N 75°10'19" E	State +Private+ Forest	1.30	35000	35000	0	Closed
20.	Near kishtwari Pathar	173+530 173+800	to	33°22'02" N 75°11'16" E	Non Designated	-	-	-	-	Illegal dumping going on

21.	Sherbibi	175+400 to 176+200	33°12'22" N 75°12'2" E	Private	9.40	528640	422912	105728	In use
22.	Sherbibi-I	176+900	33°23'2" N 75°12'4" E	Non Designated	-	-	-	-	Illegal dumping going on
23.	Chamalwas	177+000 to 177+050	33°23'20" N 75°12'7" E	Private	0.15	8400	8400	0	Closed
24.	Chamalwas-I	177+400	33° 23'11" N 75°12'2" E	Non Designated	-	-	-	-	Illegal dumping going on
25.	Rattanwas-I	179+200 to 179+500	34° 24'23" N 75°11'54" E	Private	2.3	67200	57120	10080	In-use
26.	Rattanwas- II	179+560 to 179+820	34° 24'28" N 75°12'4" E	Private					
27.	Rattanwas- III	181+580-181+650	33° 25'23" N 75°12'17" E	Private	0.93	48000	43200	4800	In-use
28.	Kharpora Banihal	181+690 to 181+740	33°25'29" N 75°12'17" E	Non Designated	-	-	-	-	Illegal dumping going on
29.	Banihal-I & II	-	33° 25'46" N 75°12'51" E	Private Land	2.5	9773	9773	0	Closed

Please note: Designated sites = 20 Nos. and Non-designated sites = 09 Nos.

Details of new identified dumping sites of M/s HCC are as under:-

S. No.	Name of the site/village	Chainage / (SB)/ Length	Title of the land
1.	Marog	156+200 to 156+560 (SB)/ 350m	Forest land
2.	Digdole	158+330 to 158+510 (SB)/ 180m	Forest land
3.	Near Khooni Nallah	164+500 to 164+650 (SB)/ 150m	Forest land

Specific observations of dumping sites that were earlier operated by M/s HCC & currently operated by M/s CPPPL:

S. No.	Name of the site / village	Chainage in Km (SB)	Specific Observations
1.	Seri-Chamba	150+330 to 150+900	Illegal dumping going on. Needs to be stopped immediately.
2.	Marog Near Tunnel (T-2)	155+000 to 155+100	Dumping is being done in an unscientific manner. Terracing/ Gabions need to be provided.
3.	Near Battery Chaishma	158+710 to 158+960	Nallah choked needs to be channelized. Hume pipe has been laid down but not connected yet. Few Plants survived after previous year's plantation. Green cover has come up in some portion of this site. Also, site needs to be covered with soil. Gabion structures needs to be repaired.
4.	Anokhe Fall	159+100 to 159+400	Green cover has come up in some portion of this site. Gabions need to be provided.
5.	Digdole-I	161+200 to 161+580	Dumping is being done in an un-scientific manner with no protection provided.
6.	Panthyal	165+750 to 165+910	Dumping is in progress, gabion structures need to be repaired. Panthyal nallah needs to be channelized with hume pipe and

			<i>Tunnel water needs to be routed through settling tank in order to prevent pollution of fresh water nallah.</i>
7.	Near Ramsu Bridge	167+780 km	<i>Illegal dumping going on. Gabions need to be provided.</i>
8.	Near Ramsu Foot Bridge	168+450 km	<i>Illegal dumping going on. Gabions need to be provided.</i>
9.	Ramsu & Gangroo-Ramsu	168+680 to 169+100 and 169+600 to 169+750	<i>Dumping of muck as well as landslide debris is done in an unscientific manner.</i>
10.	Near Kishtwari Pathar	173+530 to 173+900 km	<i>Illegal Muck dumping going on/Bislari nallah is getting choked.</i>
11.	Sherbibi	175+400 to 176+200	<i>Green cover has come up in some portion of this site. Gabions need to be strengthened.</i>
12.	Chamalwas	177+000 to 177+050	<i>Green cover has come up in some portion of this site. Along Bislari nallah, gabions need to be strengthened.</i>
13.	Chamalwas-I	177+400	<i>Nallah is getting choked due to illegal dumping.</i>
14.	Ratanwas-I & II	179+200 to 179+500 and 179+560 to 179+820	<i>Along Bislari nallah, Huge dumping done and still in-progress. Gabions need to be strengthened.</i>
15.	Kharpora Banihal	181+690 to 181+740 Km	<i>Illegal dumping going on. Gabion structure needs to be raised.</i>

In addition to the status of work in respect of designated dumping sites as mentioned above, it is submitted that the concerned agency (M/s Hindustan Construction Company) has not provided undersigned with details of non-designated dumping sites even on repeated requests till date.

The muck has been dumped at various dumping sites earlier by M/s HCC & M/s GECPL and now by M/s CPPPL in a casual manner without any consolidation & the practice is still being followed at all the sites inspected. At most of the dumping sites retaining structures are not provided and at few sites where gabion wall exist along river/nallahs, no proper care of HFL is taken and some are washed away or spilled over by excessive muck dumping. No proper engineering techniques/methods are adopted in muck dumping.

*The dumping is also being done at designated sites which have attained their full capacity and also at non-designated sites from Ramban to Banihal (As indicated in tables above). **The four laning project is of national importance for entire Union Territory of J&K, however, M/s CPPPL cannot be allowed to execute the work causally & callously and pollute Chenab River and other fresh water nallahs without any regard for environmental norms and Hon'ble NGT directions.***

If M/s CPPPL is not restrained and checks are imposed it may cause irreparable damage both in terms of polluting the water bodies and destroying aquatic life, flora and fauna as well as causing flood downstream which may be disastrous for the inhabitants living around these areas. Besides, by this illegal muck dumping, river morphology is likely to be altered and it will also interfere with natural course/ flow of this river.

Further, Ramban Police arrested a site engineer and four operators of M/s CPPPL on 27th July, 2020 for violating district administration's orders and directly throwing waste material/muck into the river Chenab at Morh Gohri, Ramban. Police also seized two excavators, one loader and a JCB Machine. (Newspaper cutting dated 28th July, 2020 attached).

Besides the muck/debris being dumped into Chenab river basin in a rampant/haphazard manner is eventually bound to travel downstream with the flow of river ultimately it shall reach the site of Salal Hydro Electric Power Project (SHEPP) and is bound to cause enormous silting behind the dam which shall have disastrous ramifications in terms of power generation of the state. It would not be possible to remove the silt accumulated behind the (SHEPP) by any mechanical means easily as the quantities flowing into the lake of dam shall be enormous. This would put in jeopardy the entire hydro electric project of 690 MW that has been built at the cost of Rs. 928.89 crores in 1987 and approx. 6000 to 7000 Crores as per current price level.

Emphasis needs to be laid on the fact that in the context of repeated and rampant violations by M/s GECPL and now M/s CPPPL a show cause notice was served by Member Secretary J&K PCB vide No.: PCB/NGT/27/2017/1392-94 Dated 25-11-

2019 to Project Manager M/s Gammon Engineers & Contractors Pvt. Ltd (GECPL) wherein he was directed to explain the reason within 15 days from its issuance as to why environmental compensation on the basis of 'Polluters Pays' Principle (PPP) in terms of directions of the Hon'ble National Green Tribunal be not recovered from him and as to why he may not be prosecuted in terms of Section-17 of the Environment (Protection) Act, 1986. (Copy Attached as Annexure-1).
In spite of their assurances to take corrective measures in this regard, no tangible steps were taken on the ground to rectify the violation.

It also needs to be brought into the notice of the Chairman, NGT National Highway (Udhampur to Banihal) Monitoring Committee that actual status of various dumping sites as it existed on 01st September, 2020 could be based on the quantity of muck dumped by construction companies till that date. Since these quantities are based on actual measurement at site, whose record is not available with J&K PCB. The matter was taken up with NHAI and M/s GECPL for providing these quantities so that violation could be quantified in terms of numbers.

The Project Director (NHAI) PIU-Ramban and Project Manager M/s GECPL also assured Member Secretary J&K PCB in his office Chamber in the month of May 2020 that our directions would be complied with and the quantum of earth work executed would be furnished by them to J&K PCB within 02 to 03 days positively. However, till date the same has not been provided in spite of raising the matter with them on more than one occasion. The relevant correspondence in this regard is attached as (Annexure- 2, 3 & 4) for record & reference.

Also, Irrigation and Flood Control Department has taken suo motto cognizance of the matter and directed the project authorities to stop forthwith illegal dumping of muck directly into the river which is proven to cause flooding of the downstream areas with disastrous effect (Copy Attached as Annexure-5).

Further, it is to submit that District Magistrate, Ramban has also imposed restrictions under section- 144 of Criminal Procedure Code (CrPC) against M/s GECPL directing not to dump the muck/materials in nallahs or other places except the identified muck dumping sites in District Ramban vide order No. DMR/711-15 dated 30-11-2019 (Copy Attached as Annexure-6).

Also, it is to submit that Tehsildar, Executive Magistrate 1st Class Ramban has also issued Notice under section- 133 of Criminal Procedure Code (Cr. PC) against General Manager M/s GECPL directing not to dump the muck/materials in Kow bagh Ramban vide No. TR/00/2019-20/NH-44/1573-74 dated 24-01-2020 (Copy Attached as Annexure-7).

In addition to above, District Magistrate Ramban has directed NHAI under Section-133 of CrPC vide order No. : DMR/ 1071-73 dated 26-05-2020 to remove the extra muck dumped in River Chenab other than the muck dumping sites and also to take corrective measures within a period of 02 months from the date of issuance of this order. (Copy Attached as Annexure-8).

The substantial evidence of environmental violation committed by the construction companies as it existed on 01st and 02nd September, 2020 at various dumping sites has been captured in photographs with labelling are attached for supporting the case.

Recommendation:

In view of the above stated facts, it is recommended that Project Director NHAI- PIU Ramban, Project Manager M/s Gammon Engineers & Contractors Pvt. Ltd. (GECPL), Project Manager M/s Hindustan Construction Company (HCC) Ltd. & Project Manager M/s Choudhary Power Projects Private Ltd. (CPPPL) may be prosecuted under Section-17 of Environment (Protection) Act, 1986 for non-compliance of conditions of Environmental Clearance obtained by them for execution of the project and for directly dumping muck in Chenab River & for causing damage to the environment in violation to Hon'ble NGT order dated 12-02-2019 and also levying environmental compensation on the basis of 'Polluters Pays' Principle (PPP) in terms of directions of the Hon'ble National Green Tribunal."

6. *Learned counsel for the NHAI has not disputed the report of the MC but submitted that on its part the NHAI has instructed the contractors for taking remedial action.*

7. *On the other hand, learned counsel for the contractors HCCL and GIL have filed copies of the letters to the NHAI to the effect that the contractors have been taking all possible measures. The submission of the learned counsel for the HCCL is that no work was going on till 31.07.2020 due to lock down. There were rains and landslides from June, 2020 to August, 2020 and there was default on the part of the Government in not giving additional space. The area is prone to landslides and on short notice the road is to be cleared.*

8. *We are unable to accept the justification put forth by the NHAI and its contractors. The fact remains that work has been going on and even during lock down period the responsibility for the damage cannot be altogether ignored, particularly when the damage caused is because of the activities prior to lock down. The report of an independent MC, headed by a former Judge of the High Court, based on site inspection by officers of the statutory authority, backed by photographic and other evidence, including orders of Executive magistrate recording the violations, has found violation of environmental norms. We do not see any reason not to accept the report merely on account of self-serving and untenable denials of the contractors in question. **Even NHAI has not disputed the violation***

but has blamed the contractors. We are, thus, unable to accept the stand of the contractors.

9. In view of the above, we accept the recommendations of the MC that the NHAI and the contractors have to take remedial action. NHAI cannot be rest content by simply saying that it has asked the contractors to take remedial action. Responsibility of NHAI to maintain environmental norms remains. The contractors are agencies of the NHAI, for which the NHAI also remains responsible. There is no bar against the NHAI from substituting its contractors violating the law by the compliant ones.

10. The State PCB may accordingly proceed with coercive measures, including assessment and recovery of compensation for the damage and initiating prosecution against the violators of environmental norms, following the due process of law. The MC may monitor further action of the State PCB. A further report as on 31.03.2021 may be filed before the next date by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.”

5. Accordingly, the Monitoring Committee has filed its report dated 05.04.2021 to the effect that the State PCB has passed its order dated 24.03.2021 in compliance of directions in Para 10 of the order of this Tribunal dated 28.09.2020. However, the said order does not provide information about the compliance status. The order of the State PCB is that compensation of Rs. 2 crores has been assessed against the NHAI vide order dated 24.03.2021 as follows:

“Whereas, reports about illegal and unscientific dumping and disposal of muck in the course of four lanning of National Highway from Udhampur to Banihal by the National Highway Authority of India (NHIA) and its contractors viz. a) M/s Gammon India Ltd. (GIL) and b) the Hindustan Construction Company Ltd. (HCCL), were received from the field functionaries of the Board, reporting further that such **disposal has affected the environment adversely besides damaging the ecology of the area.**

Whereas, on the directions of Hon'ble NGT, two reports dt. 31/07/2020 and 17/09/2020 filed by the Divisional Officer Ramban with regard to above were submitted before the Hon'ble NGT, which was pleased to direct the Board for recovery of Environmental Compensation for damages and initiation of prosecution against violators of environmental norms, accordingly.

Whereas, the Board vide its communication dt. 15.12.2020 directed its Technical Advisory Committee (TAC) to verify the ground position further and assess the damage caused to the Environment by illegal and unscientific muck dumping by NHAI.

Whereas, the authorities of NHAI have also been directed through a number of letters/notices, latest in the series vide letter dt. 24/11/2020 addressed to Regional Director/Officer, NHAI Jammu, to provide the details of muck excavated and status of its dumping, which was finally, submitted by NHAI on 11-02-2021.

Whereas, as per the referred report of NHAI submitted by Project Director PIU Ramban, **muck disposal in atleast 05 sites is above 100% than the designed capacity and NHAI authorities have admitted dumping of 200% muck at these locations.**

Whereas, the report of the JKPCB Committee dt 03-02-2021 also shows that NHAI has failed to take adequate Engineering and Biological measures as per EMP, framed at the time of seeking the Environmental Clearance, with the result **the muck has destabilized at the slopes and eventually slipped into river channels at many sites and damaged the biological environment in utter and blatant violation of the conditions of the Environmental Clearance.**

Whereas, the designated sites have not been developed before-hand to retain the muck excavated during the four lanning / construction works and the executing agencies kept on dumping the waste, which has caused serious damage to the Environment and Hydrological conditions, causing blockade of water course of natural drainage and rivulets besides narrowing the water channels and seasonal nallahs.

Whereas, the damage caused to the bio-diversity, river course, aquatic life, natural plantation forest cover, stability of slopes, geological disturbance and erosion of soil on slopes, is irreversible and has resulted in serious environmental concerns.

Whereas, the matter has also been examined by the Technical Advisory Committee (TAC) of the Board which vide report dt 03-02-2021 has opined that the actual damage caused to the ecology and environment of the area by illegal and unscientific disposal of muck for levying of full and final Environmental Compensation on NHAI requires in-depth scientific study by the Expert Committee with representatives from Central Pollution Control Board and NHAI itself. **However, the interim data indicates the environmental damage has occurred and evaluated tentatively as far more than Rs.2,00,00,000/= (Rupees Two Crore only).**

Now, therefore. in exercise of powers vested in the Board under Section 33 (A), 31(A) and Section 5 of the Water (Prevention & Control of Pollution) Act 1974, the Air (Prevention & Control of

Pollution) Act, 1981 and Environment (Protection) Act, 1986 respectively, read with the directions of Hon'ble NGT dt. 28/09/2020 in OA No. 295/2016, the NHAI shall deposit a sum of Rs.2,00,00,000/= (Rupees Two Crore only) as Environmental Compensation, as an interim measure, pending final assessment of damage in terms of the ecological loss till full and final damage is assessed by the Expert Committee. This recovery of interim Environmental Compensation on Polluter Pays Principles shall be the part of enforcement strategy and not a substitute of the compliance to be done as recommended by the Expert Committee approved by Hon'ble NGT.

Accordingly, Regional Officer, National Highway Authority of India (NHAI), Jammu is hereby directed under Section 5 of the Environment (Protection) Act 1986 to deposit a sum Rs.2,00,00,000/- (Rupees Two Crore) in the Environmental Compensation Fund Account No. 0023040510000001 of the Board in J&K Bank Ltd. within 45 days without fail and on lapse of above said period, an interest @ 12% on the Environmental Compensation amount shall accrue, at the risk and responsibility of the National Highway Authority of India.”

6. We have duly considered the report of the monitoring Committee and the State PCB and heard learned Counsel. The report of the Monitoring Committee is that the State PCB as well as NHAI failed to give compliance status to the Committee. Though violations mentioned in the order of the PCB are undisputed as the said order has not been questioned, complete information about compliance status of the mandate of the Water Act and other provisions, including the consent conditions of EC/CTE/CTO has not been furnished. Remedial action requires ascertaining change in water quality in terms of increase in turbidity and effect on blockages of streams/ Nalla and the river Chenab due to muck disposal. Violations are criminal offence under the concerned environmental laws. To uphold rule of law, the guilty must be prosecuted, as directed but neither the violations have been remedied nor prosecution initiated which is a matter of regret. When the violations are continuing for long, the same can be considered deliberate calling for more stringent action. As earlier observed, violations are statutory offences *inter alia* under the provisions of the Water (Prevention and Control of Pollution) Act,

1974. When violations are by juristic persons, apart from the corporate body, liability is also of all Directors, Managers and other officers. Further, the interim compensation does not give the basis in terms of assessed monetary cost of restoration, deterrence element for continuous violations, having regard to financial capacity of the violator and cost of environmental services lost forever. While construction of roads is social necessity, it cannot be at the cost of environment. Principle of sustainable development cannot be avoided. If protection of environment cannot be ensured, the Project may have to be halted to prevent damage to the environment by unauthorized muck dumping destroying the overall environment.

7. In view of serious failure on the part of the State PCB to perform its statutory obligation of initiating prosecution against the violators as earlier directed, the Chairman PCB has to explain why action be not taken for non-compliance of law and orders of this Tribunal. Compliance must now be ensured within two months from today. Similarly, NHAI which is a Government Organization and a Statutory Authority has failed to perform its obligation of preventing violations by not taking action against its errant contractors which needs to be explained by the Managing Director of NHAI. Compliance may also be ensured now by the Managing Director of NHAI within two months positively.

8. In view of continuous violations, as shown from the report of the Monitoring Committee headed by a former Judge of the High Court, we direct the Managing Director of NHAI and Chairman, State PCB to remain present in person by way of video conferencing with their respective action taken reports on the next date. Needless to say, if the failure to take action continues, the Tribunal may have no other option except to take coercive

measures against Managing Director of NHAI as well as Chairman, State PCB personally.

List for further consideration on 06.10.2021.

A copy of this order be forwarded to Managing Director, NHAI and Chairman, State PCB by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

M. Sathyanarayanan, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

June 28, 2021
Execution Application No. 32/2016
In O.A. No. 295/2016
DV

No. RW/NH-24036/27/2010-PPP
Government of India
Ministry of Road Transport & Highways
(EAP) Zone
Transport Bhawan, 1, Parliament Street, New Delhi-110001

Dated: 25.04.2018

To

1. The Chairman, National Highways Authority of India (NHAI), G-5&6, Sector-10, Dwarka, New Delhi-110 075.
2. The Managing Director, National Highway Infrastructure Development Corporation Ltd., 3rd floor, PTI Building, Parliament Street, New Delhi-110 001
3. The Principal Secretaries/Secretaries of all States/UTs Public Works Department dealing with National Highways, other Centrally Sponsored Schemes & State Schemes.
4. Director General (Border Roads), Seema Sadak Bhawan, Ring Road, New Delhi-110010
5. The Engineers-in-Chief and Chief Engineers of all States/UTs Public Works Department dealing with National Highways, other Centrally Sponsored Schemes & State Schemes.

Subject: Revision of Normative Cost Norms for the National Highways - Reg.
Reference: (i) Circular No. RW/NH-24036/27/2010-PPP dated 10.08.2016.

Sir,

The issue of cost-estimates of National Highways has been coming up at various fora. Historically, a reference is made to the costing norms as considered by the B.K. Chaturvedi Committee in the then Planning Commission. It has been observed that the said costing norms, as adopted by the BKC Committee, were actually based on the data provided by the NHAI at that time. The same have been updated by Ministry of Road Transport & Highways from time to time.

2. The existing Normative Costs are for three categories of roads i.e. (a) 2-lane with paved shoulders, (b) 4-lane, and (c) 6-lane irrespective of the terrain i.e. plain terrain/ hilly terrain where the project road is to be developed/ constructed. The concerned project executing agencies have been presenting their proposals with justifications of road components like number of structures, additional earthwork/ cutting in hilly terrain, stabilisation of slopes, prevailing schedule of rates etc. However, the existing norms do not cover the entire gamut of activities. As a result, there is no proper format to justify the project costs.

3. Keeping in view the above factors and the need to bring some uniformity for the entire country for justification of project costs, this Ministry constituted a Committee



comprising of all stakeholders viz. NHAI, NHIDCL and the concerned project zones of the Ministry dealing with the construction of National Highways projects to prepare the Normative Cost Norms for various road components. Based on the Committee's report and various representations during discussions in the Senior Officer's Meeting chaired by Secretary (RT&H), the Normative Cost Norms have been reviewed and revised. Accordingly, the cost norms have been finalised as contained in this circular in supersession to Circular No. RW/NH-24036/27/2010-PPP dated 10.08.2016 through which the cost norms were updated up to the Financial Year 2016-17.

4. Assumptions:

Various assumptions have been taken in order to calculate the Normative costs for the road projects which are as follows:

4.1	Road Portions: The road works have been classified into 16 categories as detailed in Table-1 of this circular.	
(i)	Average Embankment height (excl. pavement crust)	1.0 m.
(a)	Designed Traffic for 2 lane with paved shoulders	40 MSA
(b)	Designed Traffic for 4 lane	80 MSA
(c)	Designed Traffic for 6 lane	100 MSA
(d)	Designed Traffic for 8 lane	100 MSA
(ii)	CBR	8%
(iii)	Crust Composition with Flexible Pavement	
A.	Bituminous Concrete:	
(a)	Up to 2-lane +Paved shoulder	40 mm
(b)	4- lane/ 6-lane/ 8-Lane	50 mm
B.	Dense Bituminous Concrete (DBM)	
(a)	Up to 2-lane +Paved shoulder	90 mm
(b)	4- lane/ 6-lane/ 8-Lane	115 mm
C.	Wet Mix Macadam	250 mm
D.	Granular Sub-base	200 mm
E.	Sub-grade	500 mm
(iv)	Crust Composition with Rigid Pavement	
(a)	Pavement Quality Concrete (PQC)	300 mm
(b)	Dry Lean Concrete (DLC)	150 mm
(c)	Granular Sub-Base	150 mm
(d)	Sub-grade	500 mm
4.2	Bridge Portions	
(i)	Type of Foundation	Pile Foundation with Steel Liner (Depth-15 m.)
(ii)	Super Structure	Pre- Stressed Girder type
(iii)	Width of carriageway	As per relevant IRC Manual
4.3	Pipe Culverts	
(i)	Minimum Earth cushion	600 mm
(ii)	No. of Rows	One row
(iii)	Internal Diameter of Pipe	1200 mm
(iv)	Type of Hume Pipe	NP 4
(v)	Width of carriageway	As per relevant IRC Manual
4.4	Box Culverts	

(i)	Earth Cushion	300 mm
(ii)	Size of Box	One Cell of 2.0 m x 2.0 m
(iii)	Width of carriageway	As per relevant IRC Manual
4.5	Elevated Structures like Flyovers/ VUPs/ PUPs	
4.5.1	Flyover/ VUP (Standard)	
(i)	Type of Foundation	Pile Foundation with Steel Liner (Depth-15 m.)
(ii)	Type of Abutment/Pier	Circular (Single Pier Type)
(iii)	Vertical Clearance	5.50 m
(iv)	Span Arrangement	10m + 20 m+10 m (40 m.)
(v)	Super Structure	Pre- Stressed Girder type
(vi)	Width of carriageway	As per relevant IRC Manual
4.5.2	VUP (Low Height) known as VUP-L	
(i)	Type of Foundation	Pile Foundation with Steel Liner (Depth-15 m.)
(ii)	Type of Abutment/ Pier	Circular (Single Pier Type)
(iii)	Vertical Clearance	4.00 m
(iv)	Span Arrangement (with 2.5 m wide raised Pedestrian path on one side with partition railing and 0.5 mt protection on the other side)	12 m
(v)	Super Structure	Pre- Stressed Girder type
(vi)	Width of carriageway	As per relevant IRC Manual
4.5.3	Pedestrian Underpass	
(i)	Type of Foundation	Open Foundation (Box type)
(ii)	Box Size	6 x 2.5 mtrs.
(iii)	Vertical Clearance (Note: It has to be ensured that the finished floor level of the PUP is 6" above the adjoining ground level)	2.5 m
(iv)	Span Arrangement	6.0 m
(v)	Width of carriageway	As per relevant IRC Manual
4.5.4	Slope Protection Works	
(i)	For Plain Terrain	
(ii)	Type of Slope Protection (retaining wall)	With PCC: M-15
(iii)	Height	3.0 mtr.
(iv)	For Hilly Terrain	
(v)	Type of Slope Protection (retaining and/ or breast wall)	With PCC: M-15
(vi)	Height	3.0 mtr.
4.5.5	Service/ Slip Road	
A.	With Flexible Pavement	
(i)	Width of carriageway	5.5 m/ 7.5m./ 10 m.
(ii)	Designed Traffic	40 MSA
(iii)	Embankment height	1.0 m.
(iv)	CBR of soil	8%
(v)	Crust Composition	
(vi)	Bituminous Concrete	40 mm
(vii)	Dense Bituminous Macadam	90 mm
(viii)	Wet Mix Macadam	250 mm
(ix)	Granular sub-base	200 mm
(x)	Sub-grade	500 mm
B.	With Rigid Pavement	

(i)	Width of carriageway	5.5 m/ 7.5m./ 10 m.
(ii)	Embankment height	1.0 m.
(iii)	CBR of soil	8%
(iv)	Crust Composition	
(v)	PQC	300 mm
(vi)	DLC	150 mm
(vii)	Granular Sub-base	150 mm
(viii)	Sub-grade	500 mm
4.5.6	Hill Cutting	
(i)	15 m height of 200 m for 2 lane and full length for new construction/ 4 lane alignment	
4.5.7	Boundary Wall	
(i)	Boundary wall along the ROW, except at ingress and egress points, shall be constructed as per enclosed Typical cross section	

5. The proposed Normative Cost Norms are excluding the provisions of various miscellaneous items such as Toll Plaza, Road and Traffic signage, Wayside amenities, ambulance, crane and other project facilities. Cost of these items may be worked out as per site requirements in each case or lump-sum provision @ 5% of Total Project Cost (excluding the cost of these items and Land Acquisition) may be added to arrive at the normative costs.

Table- 1								
Normative Cost Norms								
Sr. No.	Description of Works	Unit	Amount – Rs. in Crore)					
			For Embankment in Plain Terrain			For Embankment in Hilly Terrain		
			1 m.	1.50 m	2.0 m	1 m.	1.50 m	2.0 m
A.	Flexible Pavements							
1.	Widening to 2 Lane + Paved Shoulder	km	3.19	3.38	3.59	6.29	6.5	6.73
2.	Widening the Existing 2 Lane to 4 Lane	km	5.58	6.92	7.29	14.42	14.72	15.04
3.	Widening the Existing 4 Lane to 6 Lane	km	4.89	5.08	5.28	N.A.	N.A.	N.A.
4.	Widening the existing 4 lane to 8 lane	km.	6.59	6.84	7.11	N.A.	N.A.	N.A.
5.	Widening the existing 6 lane to 8 lane	km.	5.7	5.88	6.08	N.A.	N.A.	N.A.
6.	Greenfield Alignment -2 Lane	km	3.24	3.46	3.71	9.6	9.84	10.11
7.	Greenfield Alignment-4 Lane	km	5.84	6.18	6.55	19	20	20
8.	Greenfield Alignment- 6 Lane	km	7.75	8.17	8.61	N.A.	N.A.	N.A.
9.	Greenfield Alignment- 8 lane	km.	9.2	9.67	10.17	N.A.	N.A.	N.A.
B.	Rigid Pavements							
1.	Widening the Existing 4 Lane to 6 Lane	km	3.52	3.76	4.03	N.A.	N.A.	N.A.
2.	Widening the existing 4 lane to 8 lane	km.	5.29	5.6	5.92	N.A.	N.A.	N.A.

Table- 1								
Normative Cost Norms								
Amount – Rs. in Crore)								
Sr. No.	Description of Works	Unit	For Embankment in Plain Terrain			For Embankment in Hilly Terrain		
			1 m.	1.50 m	2.0 m	1 m.	1.50 m	2.0 m
3.	Widening the existing 6 lane to 8 lane	km.	3.13	3.37	3.62	N.A.	N.A.	N.A.
4.	Greenfield Alignment- 2 Lane + Paved Shoulder	km	4.03	4.26	4.5	N.A.	N.A.	N.A.
5.	Greenfield Alignment- 4 Lane	km	6.58	6.92	7.29	N.A.	N.A.	N.A.
6.	Greenfield Alignment- 6 Lane	km	8.87	9.26	9.65	N.A.	N.A.	N.A.
7.	Greenfield Alignment-8 Lane	km.	10.48	10.87	11.26	N.A.	N.A.	N.A.

Table: 2		
Normative cost norms per running km for Roads for Hilly terrain (Rs. in Cr.)		
A	With Flexible pavement	
1	Widening to 2 Lane + Paved Shoulder (Flexible Pavement)	6.29
2	Widening the Existing 2 Lane to 4 Lane (Flexible Pavement)	14.42
3	Greenfield Alignment 2 Lane + Paved Shoulder (Flexible Pavement)	9.60
4	Greenfield Alignment 4 Lane (Flexible Pavement)	18.93

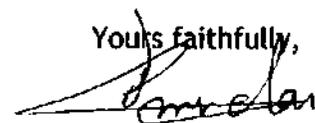
Table: 3		
A.	Normative cost norms per running km for Service Roads for Plain terrain (Rs. in Cr.)	
1	With flexible pavement (5.50 mtrs carriageway)	Rs. 1.80 cr
2	With flexible pavement (7.00 mtrs carriageway)	Rs. 2.26 cr
3	With flexible pavement (10.00 mtrs carriageway)	Rs. 2.96 cr
4	With rigid pavement (5.50 mtrs carriageway)	Rs. 2.51 cr
5	With rigid pavement (7.00 mtrs carriageway)	Rs. 3.17 cr
6	With rigid pavement (10 mtrs carriageway)	Rs. 4.03 cr
B.	Normative cost norms per running km for Service Roads for Hilly terrain (Rs. in Cr.)	
1.	With flexible pavement (5.50 mtrs carriageway)	Rs. 2.49 cr
2.	With rigid pavement (5.50 mtrs carriageway)	Rs. 6.08 cr

Table: 4									
Normative Costs for Structures (Flyovers/ VUPs/ PUPs)									(Rs. in Cr.)
Sr. No.	Description of Work	Plain Terrain				Hilly Terrain			
		Bridge Proper Cost (per sqm.)	Bridge proper Total cost	Approach (in Rs.)	Total cost (Bridge+ Approach)	Bridge Proper Cost (per sqm.)	Bridge proper Total cost	Approach (in Rs.)	Total cost (Bridge+ Approach)
1.	Flyover/ VUP(S), Span arrangement - 10+20+10 m ; Vertical Approach - 5.50 m								
1.1	For 2-lane+ Paved shoulders	0.003	1.70	8.48	10.18	0.004	2.37	10.14	12.51
1.2	For 4-lane carriageway	0.003	2.98	12.15	15.13	0.004	4.16	15.53	19.68
1.3	For 6-lane carriageway	0.003	3.59	13.60	17.19	0.004		N.A.	
1.4	For 8-lane carriageway	0.003	4.62	16.06	20.68	0.004		N.A.	
2.	VUP(L), Span Arrangement - 1x12 m., Vertical Clearance - 4.0 m.								
2.1	For 2-lane+ Paved shoulders	0.003	0.45	6.22	6.67	0.004	0.61	7.92	8.53
2.2	For 4-lane carriageway	0.003	0.79	8.55	9.33	0.004	1.07	11.41	12.48
2.3	For 6-lane carriageway	0.003	0.95	9.57	10.51	0.004		N.A.	
2.4	For 8-lane carriageway	0.003	1.22	11.30	12.52	0.004		N.A.	
3.	Pedestrian Underpass (PUP), Span Arrangement - 2.5x6 m.								
3.1	For 2-lane+ Paved shoulders	0.004	0.31	4.23	4.53	0.004	0.37	5.52	5.89
3.2	For 4-lane carriageway	0.004	0.53	5.72	6.25	0.004	0.65	7.84	8.49
3.3	For 6-lane carriageway	0.004	0.64	6.37	7.02	0.004		N.A.	
3.4	For 8-lane carriageway	0.004	0.83	7.48	8.31	0.004		N.A.	
(*Costs for VUP/PUP are as per attached drawings)									

Table: 5					
Normative Cost norms for / Bridges/ Protection Works				Amount in Rs. Cr.	
Sr. No.	Description of Works	Unit	Average cost for plain terrain	Average cost for hilly terrain	
1.	Bridge Proper	Per sq. m.	0.0032	0.0082	
2.	Slope Protection works				
	(a) Breast Wall				
	(i) PCC type	Per mtr.	0.0037	0.0037	
	(b) Retaining wall				
	(i) PCC type	Per mtr.	0.0024	0.0024	
3.	Boundary wall (PCC-1:2:4)*		0.00018	0.00018	
*Typical cross section of Boundary wall is enclosed					

6. The centages involved depending on the mode of execution of the work i.e. EPC, BOT and Hybrid Annuity, are notified by the Ministry of Road Transport & Highways from time to time and the costs of these centages may be added to the normative civil costs to arrive the total project cost based on Normative cost norms.
7. The normative costs derived on the basis of this Circular should only be used for comparison during Appraisal and Approval of the projects and should not be used for preparation of estimates. These Normative Costs shall be applicable from April 01, 2018 and until further updation as deemed necessary.
8. The Finished Road Level (FRL) of the crossing road under the VUP/ PUP/ Flyover shall be atleast 150 mm above the FRL of the slip road/ crossing road.
9. This issues with concurrence of Finance Wing vide their U.O. No. 2344 TF-II dated 03.01.2018 and approval of Minister (RT&H).
10. Contents of this circular may be brought to the notice of all the concerned for immediate compliance.

Yours faithfully,



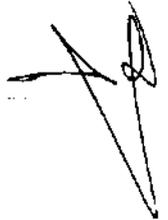
(Khushal Chand)
Superintending Engineer (EAP)

Copy to:

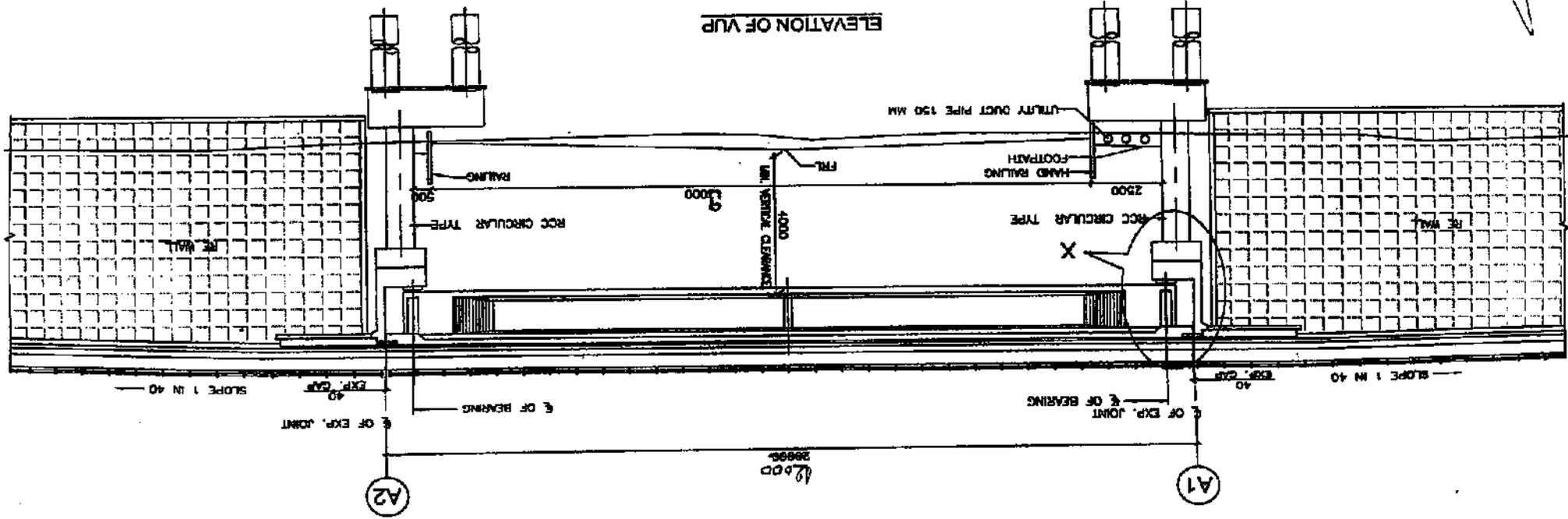
1. All Technical Officers at the Headquarters
2. Secretary General, Indian Roads Congress
3. Director, IAHE, NOIDA
4. All ROs and ELOs of MoRT&H.
5. PPS to Secretary (RT&H), PPS to DG(RD) & SS, PS to AS&FA, PS to ADG -I/ II/ III/ IV/ V.
6. NIC- with the request to upload on the Ministry's portal.

Copy for information to:

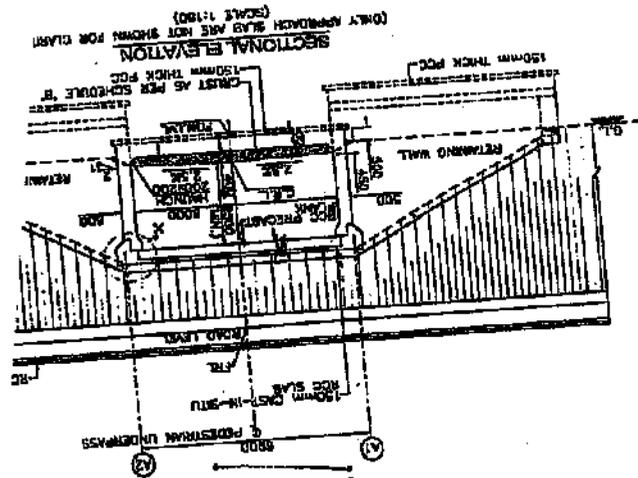
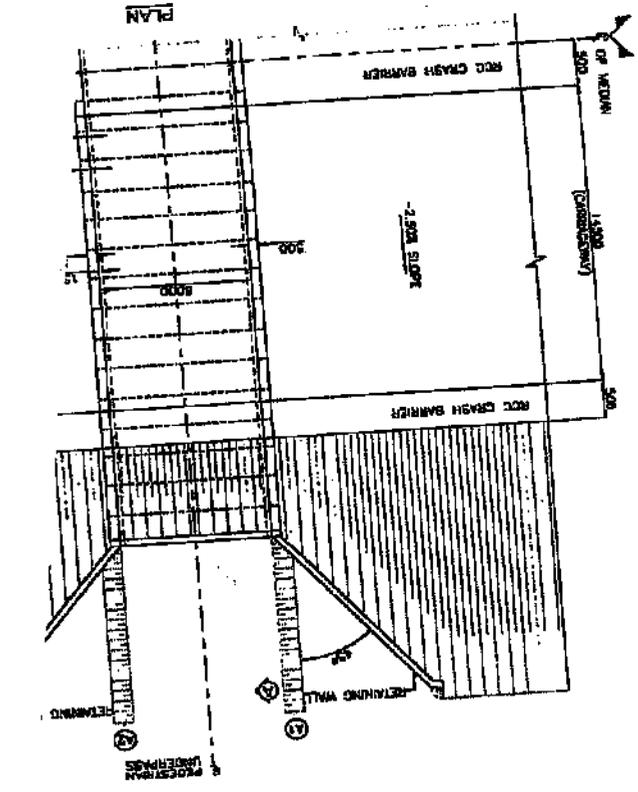
1. CEO, NITI Aayog, NITI Bhawan, Sansad Marg, New Delhi.
2. Secretary, Department of Expenditure, Ministry of Finance, North Block, New Delhi.
3. Secretary, Department of Economic Affairs, Ministry of Finance, North Block, New Delhi.
4. Secretary, Ministry of Environment and Forests, Paryavaran Bhawan, New Delhi.
5. Secretary, Ministry of Development of North Eastern Region, Vigyan Bhawan Annexe, Maulana Azad Road, New Delhi.



ELEVATION OF VUP



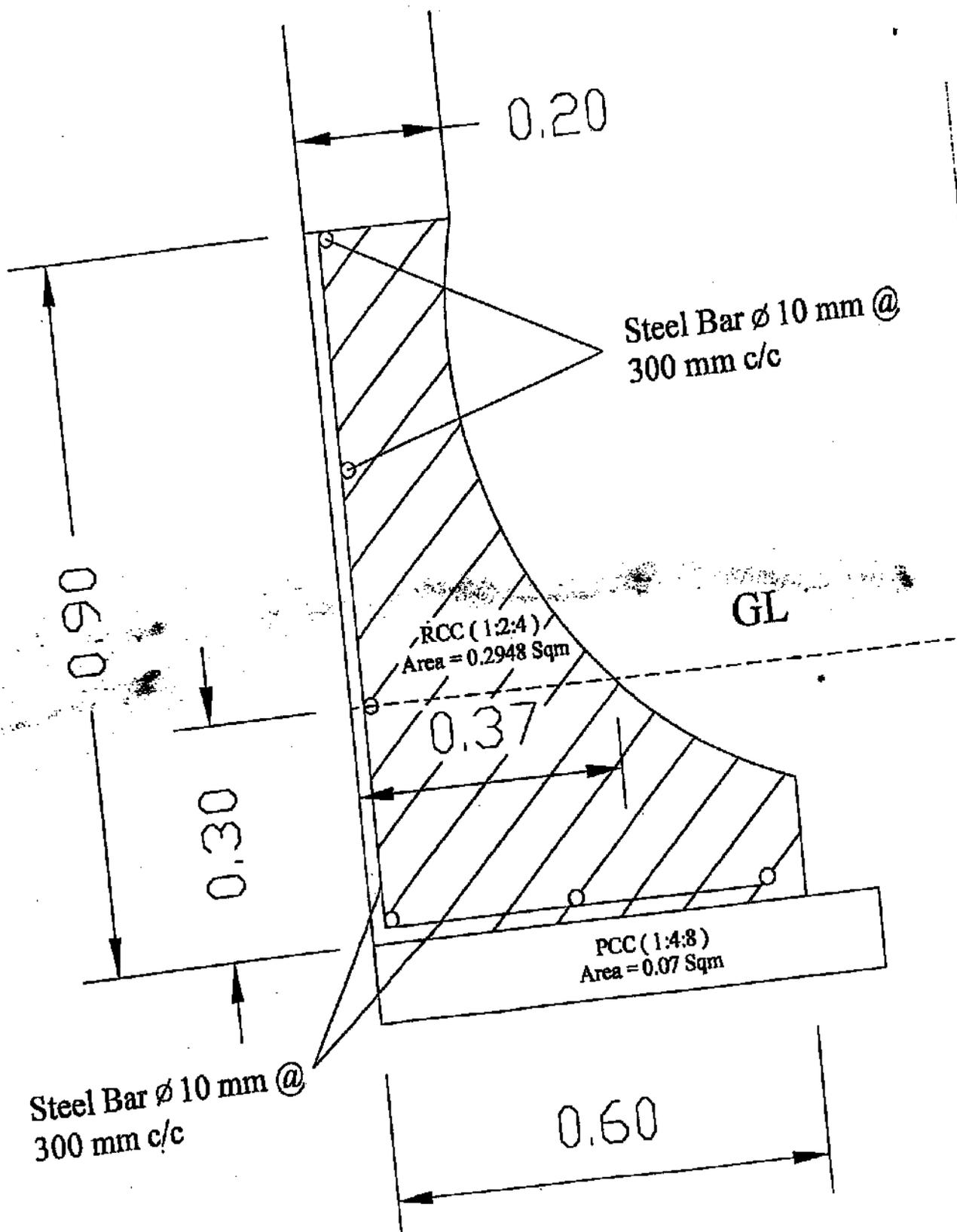
VUP (L)



SECTIONAL ELEVATION
 (ONLY APPROXIMATE SLAB ARE NOT SHOWN FOR CLARITY)
 (SCALE 1:100)

PUP

Handwritten signature or initials.



Steel Bar ϕ 10 mm @
300 mm c/c

RCC (1:2:4)
Area = 0.2948 Sqm

GL

PCC (1:4:8)
Area = 0.07 Sqm

Steel Bar ϕ 10 mm @
300 mm c/c



Winter Office: November-April
Parivesh Bhawan, Gladni
Transport Nagar, Narwal,
Jammu (J&K) 180006
Ph/Fax : 0191-2476925

Government of Jammu and Kashmir
JK POLLUTION CONTROL BOARD

Annexure-II

Summer Office: May - October
Sheikh Ul Alam Campus
Behind Govt. Silk Factory,
Rajbagh Srinagar (J&K) 190008
Ph/Fax 0194-2311165

Email: membersecretaryjkpcb@gamil.com.

Sub: Levying **Environmental Compensation** on **NHAI authorities** for violation of environmental norms while executing the Four Lanning of NH-44 Project under **Section 33 (A), 31(A) and Section 5 of the Water (Prevention & Control of Pollution) Act, 1974, the Air (Prevention & Control of Pollution) Act, 1981 and Environment (Protection) Act, 1986** respectively.

Ref: *Hon'ble NGT directions dated 28/09/2020 in OA No. 295/2016.*

ORDER NO.: 50 JK PCB of 2021
DATED : 24 -03-2021

Whereas, reports about illegal and unscientific dumping and disposal of muck in the course of four lanning of National Highway from Udhampur to Banihal by the National Highway Authority of India (NHAI) and its contractors viz. a) M/s Gammon India Ltd. (GIL) and b) the Hindustan Construction Company Ltd. (HCCL), were received from the field functionaries of the Board, reporting further that such disposal has affected the environment adversely besides damaging the ecology of the area.

Whereas, on the directions of Hon'ble NGT, two reports dt. 31/07/2020 and 17/09/2020 filed by the Divisional Officer Ramban with regard to above were submitted before the Hon'ble NGT, which was pleased to direct the Board for recovery of **Environmental Compensation** for damages and initiation of prosecution against violators of environmental norms, accordingly.

Whereas, the Board vide its communication dt. 15.12.2020 directed its **Technical Advisory Committee (TAC)** to verify the ground position further and assess the damage caused to the Environment by illegal and unscientific muck dumping by NHAI.

Whereas, the authorities of NHAI have also been directed through a number of letters/notices, latest in the series vide letter dt. 24/11/2020 addressed to Regional Director/Officer, NHAI Jammu, to provide the details of muck excavated and status of its dumping, which was finally submitted by NHAI on 11-02-2021.

Whereas, as per the referred report of NHAI submitted by Project Director PIU Ramban, muck disposal in atleast 05 sites is above **100%** than the designed capacity and NHAI authorities have admitted dumping of **200%** muck at these locations.

Whereas, the report of the JKPCB Committee dt 03-02-2021 also shows that NHAI has failed to take adequate Engineering and Biological measures as per EMP, framed at the time of seeking the **Environmental Clearance**, with the result the muck has destabilized at the slopes and eventually slipped into river channels at many sites and damaged the biological environment in utter and blatant violation of the conditions of the Environmental Clearance.

Whereas, the designated sites have not been developed before hand to retain the muck excavated during the four lanning / construction works and the executing agencies kept on dumping the waste, which has caused serious damage to the Environment and Hydro-logical conditions, causing

blockade of water course of natural drainage and rivulets besides narrowing the water channels and seasonal nallahs.

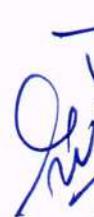
Whereas, the damage caused to the bio-diversity, river course, aquatic life, natural plantation forest cover, stability of slopes, geological disturbance and erosion of soil on slopes, is irreversible and has resulted in serious environmental concerns.

Whereas, the matter has also been examined by the Technical Advisory Committee (TAC) of the Board which vide report dt **03-02-2021** has opined that the actual damage caused to the ecology and environment of the area by illegal and unscientific disposal of muck for levying of full and final Environmental Compensation on NHAI requires in-depth scientific study by the Expert Committee with representatives from Central Pollution Control Board and NHAI itself. However, the interim data indicates the environmental damage has occurred and evaluated tentatively as far more than Rs.2,00,00,000/= (**Rupees Two Crore only**).

Now, therefore, in exercise of powers vested in the Board under **Section 33 (A), 31(A) and Section 5** of the **Water (Prevention & Control of Pollution) Act 1974**, the **Air (Prevention & Control of Pollution) Act, 1981** and **Environment (Protection) Act, 1986** respectively, read with the directions of Hon'ble NGT dt. **28/09/2020** in OA No. **295/2016**, the NHAI shall deposit a sum of **Rs.2,00,00,000/= (Rupees Two Crore only)** as **Environmental Compensation**, as an interim measure, pending final assessment of damage in terms of the ecological loss till full and final damage is assessed by the Expert Committee. This recovery of interim Environmental Compensation on Polluter Pays Principles shall be the part of enforcement strategy and not a substitute of the compliance to be done as recommended by the Expert Committee approved by Hon'ble NGT.

Accordingly, **Regional Officer**, National Highway Authority of India (NHAI), Jammu is hereby directed under **Section 5** of the **Environment (Protection) Act 1986** to deposit a sum of **Rs.2,00,00,000/- (Rupees Two Crore)** in the **Environmental Compensation Fund Account No. 0023040510000001** of the Board in J&K Bank Ltd. within **45** days without fail and on lapse of above said period, an interest @ **12%** on the **Environmental Compensation** amount shall accrue, at the risk and responsibility of the National Highway Authority of India.

'As approved by the Competent Authority'.


(B.M. Sharma), IFS
Member Secretary
JKPCB, Jammu
24/3/2021

No. JK PCB/LSJ/NGT/23/54-60
Dt. 24-03-2021

Copy to the:-

- Commissioner/Secretary to Govt., Deptt. of Forest, Ecology & Environment, Civil Secretariat, Jammu (Member Secretary Monitoring Committee on NH-44 Four Lanning Project) for information.
- Deputy Commissioner Ramban for information and necessary action.
- Regional Officer**, National Highway Authority of India, Jammu for immediate compliance.
- Regional Director Pollution Control Board Jammu for information and necessary action.
- Divisional Officer Pollution Control Board, Ramban for information and necessary action.
- P.A. to Chairman, for information of Chairman Pollution Control Board Jammu.
- I/c website for uploading the order on JKPCB website.



Saved Case

Case Details

Case Type	Complaint
Filing Number	741/2021
Filing Date	17-08-2021
Registration Number	44/2021
Registration Date	17-08-2021
CNR Number	JKRB030007412021

Case Status

First Hearing Date	02-09-2021
Next Hearing Date	02-09-2021
Stage of Case	Statement
Court No and Judge	2-Chief Judicial Magistrate Ramban

Complaint/44/2021

JK
Pollution
Control
Committee.
through Its
Member
secretary.
Vs
Sh Rohin
gupta

JAMMU & KASHMIR POLLUTION CONTROL COMMITTEE
 Parivesh Bhawan, Gladni, Transport Nagar, Narwal, Jammu-180006
 (Water Laboratory)
 ISO 9001:2015 Certified
 OHSAS 18001:2007P
 ISO45001:2018

Annexure-IV

Report No.12
Dated: 31-08-2021

Sub: Samples from few Nallahs/Drains falling into River Chenab at Ramban, collected on 27-08-2021

S.No.	Parameter	Sampling Locations		Standard permissible limits for B-Class River Water
		Drain/ Nallah at Dungi Pully ,near CRPF 84-Battalion, Ramban N 33° 12.25" E 075° 16.47"	Kundi Nallah / Drain about 4 Km from Jaswal bridge Ramban N 33° 13.27" E 075° 16.00"	
1.	pH	7.52	7.76	6.5-8.5
2.	Conductivity	410	440	-
3.	Biological Oxygen Demand (BOD)	2.3	2.8	<3.0 mg/l
4.	Nitrite-N	0.210	0.228	-
5.	D.O.	5.6	5.2	>5.0 mg/l
General Parameters				
1.	Turbidity(NTU)	138	224	-
2.	TDS	274	282	-
3.	Phosphate-P	0.05	0.06	-
4.	COD	11.2	13.6	-
5.	Total Alkalinity as CaCO ₃	158	176	-
6.	Hardness as CaCO ₃	126	144	-
7.	Calcium as CaCO ₃	102	108	-
8.	Magnesium as CaCO ₃	24	36	-
9.	Chloride	32	48	-

Note: Note: 1.All the concentrations are expressed in mg/l except for pH & Conductivity (µS/cm), Turbidity (NTU).

Ritu
Analysts

Ritu Gupta
Scientist 'A'
I/c Water Lab

Dr. Yash Paul
Dr. Yash Paul
Head Labs/Board Analyst

Report No. 11
Dated: 31-08-2021

Samples collected from river Chenab (Nashri –Ramban –Banihal) in Udhampur by Head Labs Team on 27/8/2021

S.No.	Parameters	Sampling Locations		Standard permissible limits for B-Class River Water
		River Chenab at Jaswal Bridge (Ramban) N- 33° 13.080" E- 075° 16.288"	River Chenab at Mehad Ramban N 33° 13 440" E 075° 15 .941"	
1.	pH	7.30	7.38	6.5-8.5
2.	Conductivity (µS/cm)	350	385	-
3.	Biological Oxygen Demand (BOD)	1.5	1.8	< 3.0 mg/l
4.	Nitrite-N(mg/l)	0.019	0.063	-
5.	Dissolved Oxygen	7.1	6.2	>5.0mg/l

General parameters

S.No.	Parameter			
1.	Turbidity	17	20	
2.	TDS	228	250	-
3.	Phosphate-P	0.012	0.026	-
4.	COD	7.2	9.1	-
5.	Total Alkalinity as CaCO ₃	130	152	-
6.	Hardness as CaCO ₃	112	128	-
7.	Calcium as CaCO ₃	96	100	-
8.	Magnesium as CaCO ₃	16	28	-
9.	Chloride	24	36	-

Note: Note: 1.All the concentrations are expressed in mg/l except for pH & Conductivity (µS/cm), Turbidity (NTU).

Rita
 Analysts

Rita Gupta
 Scientist 'A'
 I/c Water Lab

Dr. Yash Paul
 Dr. Yash Paul
 Head Labs
 (Air, Water, Bio Sc)

JAMMU & KASHMIR POLLUTION CONTROL COMMITTEE
 Parivesh Bhawan, Gladni, Transport Nagar, Narwal, Jammu-180006
 ISO 9001:2015 Certified
 OHSAS 18001:2007
 ISO45001:2018

Annexure-IV

Report No. 11
Dated: 31-08-2021

Samples collected from river Tawi in (Udhampur -Chenani) stretch by Head Labs and Team on 27/8/2021

S. No.	Parameters	River Tawi at Narsoo N 33° 01.231" E 075° 14.296"	River Tawi ,Near Cremation Ground Samroli N 33° 00. 542" E 075° 13.286"	Standard permissible limits for B-Class River Water
1.	pH	7.76	7.80	6.5-8.5
2.	Conductivity (µS/cm)	390	410	-
3.	BOD	1.4	1.6	<3.0 mg/l
4.	Nitrite-N(mg/l)	0.016	0.073	-
5.	Dissolved Oxygen	6.1	6.4	>5.0 mg/l

General parameters

S.No.	Parameter			
1.	Turbidity	24	27	
2.	TDS	250	273	-
3.	Phosphate-P	0.020	0.024	-
4.	COD	5.8	6.4	-
5.	Total Alkalinity as CaCO ₃	174	196	-
6.	Hardness as CaCO ₃	134	170	-
7.	Calcium as CaCO ₃	102	114	-
8.	Magnesium as CaCO ₃	32	56	-
9.	Chloride	32	40	-

Note: Note: 1.All the concentrations are expressed in mg/l except for pH & Conductivity (µS/cm), Turbidity (NTU).

(Signature)
 Analysts

(Signature)
 Scientist 'A'
 I/c Water Lab

(Signature)
 Dr.Yash Paul
 Head Labs (Air, Water, Bio Sc)