



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

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

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

email: membersecretaryjkpcb@gmail.com

**Consultant (Judicial),
Hon'ble National Green Tribunal, (P.B)
New Delhi.**

No. PCC/NGT/112/2021/ 810-824

Dt. 20-12-2022.

Sub: - Hon'ble NGT latest Order dated 23-11-2022 in OA 137/2021 titled Arti Sharma (Sarpanch) V/s State of Jammu & Kashmir & Ors.

Sir,

In compliance to the Hon'ble National Green Tribunal latest Order Dated **23-11-2022** in **O.A No. 137/2021** titled **Arti Sharma (Sarpanch) V/s State of Jammu & Kashmir & Ors.** kindly find enclosed herewith the progress report submitted by the joint committee constituted by Hon'ble National Green Tribunal, alongwith the request of the committee for granting extension of timeline for finalizing the "**Action Plan for Restoration of Environment**" upto **January 20, 2023**, in this regard.

Yours faithfully,

Encl: (As above)

(K. Ramesh Kumar) IFS
Member Secretary
JKPCC, Jammu.

Copy to the: -

1. Regional Director, J&K Pollution Control Committee, Jammu for information. This is in reference to your letter no. PCC/RDJ/SA-Legal/2021/4367 dated 20-12-2022.
2. Sh. G.M. Kawoosa, Additional Standing Counsel for J&K Govt. in Hon'ble NGT matters in New Delhi, for information and necessary action.
3. District Magistrate, Rajouri for information.
4. Additional Director, Central Pollution Control Board (CPCB) Chandigarh for information.
5. Divisional Officer, J&K Pollution Control Committee, Rajouri (Representative of J&K PCC) for information and further follow up in this regard.
6. PA to Chairperson, J&K PCC for kind information of Chairperson.



Government of Jammu & Kashmir
J&K POLLUTION CONTROL COMMITTEE
OFFICE OF THE REGIONAL DIRECTOR - JAMMU
Parivesh Bhawan, Forest Complex Gladni, Transport Nagar, Narwal, Jammu
email: regionaldirectorjkspcbjmu@gmail.com, Tel/fax 0191-2476926

www.jkspcb.nic.in

Member Secretary,
J&K Pollution Control Committee,
Jammu

No. PCC/RDJ/SA-Legal/2021/ 4367

Dated: 20-12-2022

Subject :- **Progress Report of the Joint Committee in the matter of Arti Sharma (Sarpanch) V/s Union Territory of J&K and Others in O.A. 137/2020.**

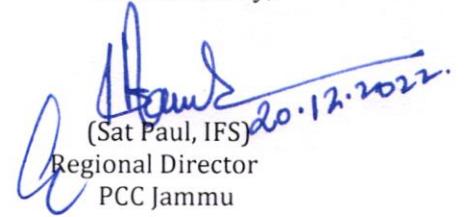
Ref: DO/PCC/R/2022/335-37 dated 16-12-2022.

Sir,

With regard to the subject cited above and in compliance to Hon'ble NGT directions given vide its order dated 23.11.2022 in O.A. 137/2021 in the matter of '**Arti Sharma Vs State of J&K & Ors**' please find attached the progress report of the joint committee for preparation of '**Action Plan for restoration of Environment**' received from Divisional Officer PCC, Rajouri vide above referred letter for further submission to Hon'ble NGT.

Encl: 05 leaves.

Yours faithfully,


(Sat Paul, IFS) 20.12.2022
Regional Director
PCC Jammu

Progress Report of the Joint Committee with regard to Preparation of Action Plan for Restoration of Environment, in the matter of OA No. O.A. 137/2021; Arti Sharma (Sarpanch) V/s State of J&K & Ors.

Hon'ble National Green Tribunal in the matter of OA No. O.A. 137/2021; Arti Sharma (Sarpanch) V/s State of J&K & Ors. vide order dated 23/11/2022, directed as follows:

*"On relevant basis compensation has to be reassessed. Pending such re-assessment, interim compensation is to be assessed. Financial capacity of M/s Shankar Stone Crusher is reflected in the royalty amount which is Rs. 76 lakhs p.a. in the case. Value of mined material will run into more than 7 crores. With regard to M/s Diamond Stone Crusher, we find from the record that penalty/fine of Rs. 7 crore was assessed for illegal mining which was stayed in WP (C) No. 1795/2021, M/s. Diamond Stone Crusher Saranoo, Rajouri vs. UT of J&K by the J&K High Court vide order dated 2.9.2021 on the ground that the PP was not heard. Thereafter, the matter was considered by the Hon'ble Supreme Court vide order dated 20.5.2022 and the PPs were permitted to appear before this Tribunal so that Tribunal could pass further order. In view of order of the Hon'ble Supreme Court, we have no option but to pass order on merits. As already noted, the PPs have themselves chosen not to appear. In these circumstances, we fix interim compensation in respect of both the PPs at Rs. 7 crore each. Further, the State PCB and the District Magistrate may ascertain the status of illegal extraction of groundwater, if any, and take remedial action. It may also be verified whether silt is being deposited in the river by the action of the PPs. If the units are allowed to function, the siting criteria laid down by the CPCB/PCC may be strictly followed. **The amount of compensation may be used for restoration of environment by preparing an Action Plan by CPCB, State PCB and District Magistrate within one month from today. The mining activities may be allowed to be resumed only after compliance.**"*

In compliance of the directions of Hon'ble National Green Tribunal, the committee comprising of Shri Anupam Kaul, DO, J&KPCC Rajouri and Dr. Narender Sharma, Additional Director, CPCB along with Officials representing concerned departments namely District Mining Officer, Rajouri, Executive Engineer-Irrigation & Flood Control Division, Rajouri and AEE Ground Water, Jammu, visited the sites on 15.12.2022, so as to finalize the action points and the additional Information required by the Joint Committee, for preparation of the action plan as per directions of Hon'ble NGT. The site visit was followed by the Meeting of the Joint Committee on 15/12/2022 & 16/12/2022 and the decisions taken by the Joint Committee with regard to various action points are summarized as follows:


16.12.2022


16/12/22



S.No.	Action Points	Decision taken by Joint Committee	Action by concerned Department/Agency and time line
1.	Restoration of the Water Quality by removal of Silt dumped in River by the action of the Project Proponents.	Department of Geology and Mining shall submit Water Quality report w.r.t. levels of Silt by drawing samples from River (Upstream & Downstream of the Stone Crushers under reference and also from the point of dumping of silt) and submit report thereof.	Geology & Mining Department, Rajouri (December 27, 2022)
2.	Restoration of the banks of the river damaged by illegal mining done by project proponents.	Department of Irrigation & Flood Control and Geology & Mining Department, Rajouri shall submit a joint report regarding damages caused to the banks of the river due to illegal mining by the project proponents along with details of the repair/restoration work required, time-line and estimated cost of such repair/restoration.	Department of Irrigation & Flood Control, Rajouri and Geology & Mining Department, Rajouri (December 25, 2022)
3.	Restoration of the damage done to Lift Irrigation Scheme by the dumping of the silt in the river by Project Proponents.	Department of Irrigation & Flood Control shall submit report regarding damages caused to the Lift Irrigation Scheme, details of restoration & preventive measures required to avoid damage due to any accidental discharge in future and the cost estimate.	Department of Irrigation & Flood Control, Rajouri (December 25, 2022)
4.	Installation of CCTV Cameras for monitoring of Mining Activities and discharge of Silt in the river.	The Joint Committee (JC) will decide the location for installation of CCTV Cameras and their connectivity based on the inputs received from the concerned departments on Point 1 to 3.	Joint Committee (January 4, 2022)
5.	Plantation and construction of Wind Breaking Wall.	Joint Committee (JC) along with DFO Social Forestry, Rajouri to finalize the details of plantation. Also, JC to finalise wind breaking wall after evaluating the area of the sites, for implementation.	Joint Committee & DFO Social Forestry, Rajouri (January 4, 2022)

Paul
16/12/2022



The Joint Committee will require **10 days** for studying the above reports to be provided by the concerned departments and another **10 days** for finalizing the Action Plan covering all the points of Hon'ble NGT order.

Therefore, the above progress made by the Joint Committee is being submitted to Hon'ble National Green Tribunal for consideration, with a humble request for granting extension of time line for finalizing the **"Action Plan for Restoration of Environment" upto January 20, 2023.**


Divisional Officer
J&KPCC, Rajouri


Additional Director
CPCB, Chandigarh


District Magistrate
Rajouri

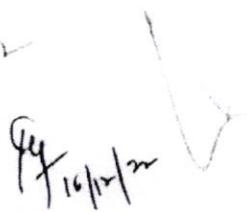
Date: December 16, 2022

Annexure-1

S.No.	Action Points	Decision Taken by Joint Committee	Action by concerned Department/Agency and time line
1.	Restoration of the Water Quality by removal of Silt dumped in River by the action of the Project Proponents.	Department of Geology and Mining shall submit Water Quality report (at levels of Silt by decrease in pH, iron, Phosphate, etc.) Downstream of the Silt Catchers (under reference and also from the point of dumping of silt) and submit report thereof.	Department of Geology & Mining Department, Rajouri (December 27, 2022)
2.	Restoration of the banks of the river damaged by illegal mining done by project proponents.	Department of Irrigation & Flood Control and Geology & Mining Department, Rajouri shall submit a joint report regarding damages caused to the banks of the river due to illegal mining by the project proponents along with details of the repair/restoration work required, time-line and estimated cost of such repair/restoration.	Department of Irrigation & Flood Control, Rajouri and Geology & Mining Department, Rajouri (December 25, 2022)
3.	Restoration of the damage done to Lift Irrigation Scheme by the dumping of the silt in the river by Project Proponents.	Department of Irrigation & Flood Control shall submit report regarding damages caused to the Lift Irrigation Scheme, details of restoration & preventive measures required to avoid damage due to any accidental discharge in future and the cost estimate.	Department of Irrigation & Flood Control, Rajouri (December 25, 2022)
4.	Installation of CCTV Cameras for monitoring of Mining Activities and discharge of Silt in the river.	The Joint Committee (JC) will decide the location for installation of CCTV Cameras and their connectivity based on the inputs received from the concerned departments on Point 1 to 3.	Joint Committee (January 4, 2022)
5.	Plantation and construction of Wind Breaking Wall.	Joint Committee (JC) along with DFO Social Forestry, Rajouri to finalize the details of plantation. Also, JC to finalise wind breaking wall after evaluating the area of the sites, for implementation.	Joint Committee & DFO Social Forestry, Rajouri (January 4, 2022)



 16/12/22



 16/12/22