

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

Original Application No. 826/2024

In the case of: - News Item titled "Pillars of Ravi-Tawi Canal Bridge and railway bridge exposed after mining in Basantar river of Samba" appearing in Daily Excelsior dated 02.06.2024.

..... Petitioner

V/s

Ghansham Singh, Member Secretary, J&K PCC &Ors.

..... Respondent

In the matter of:- Index

S. No.	Particulars	Page No.
1.	Reply	01-08
2.	Affidavit	09-10
3.	Annexure-I (Copy of the order dated 16.07.2024)	11-13
4.	Annexure-II (Copy of the letter No. DMO/K/NGT/2024-25/995 dated 16.10.2024)	14-15
5.	Annexure-III (Copy of the letter No. RDR/Misc/24/46093/DPO dated 17.10.2024)	16.

Answering Respondent

  
**Deputy Commissioner**

Rakesh Mishra IAS  
 Deputy Commissioner, Kathua  
 M. No. 9872857701

Place:-Kathua  
 Dated:- 14.05.2025.

BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH NEW DELHI.

Original Application No. 826/2024

In the case of: - News Item titled "Pillars of Ravi-Tawi Canal Bridge and railway bridge exposed after mining in Basantar river of Samba" appearing in Daily Excelsior dated 02.06.2024.

..... Petitioner

V/s

Ghansham Singh, Member Secretary, J&K PCC &Ors.

..... Respondent

In the case of: - Reply on behalf of Deputy Commissioner, Kathua.

May it please your Lordships,

The Answering Respondents most respectfully submits as under:-

1. That the above titled OA is pending disposal before the Hon'ble Tribunal in which the next date of hearing is fixed on 15.05.2025.
2. That the Hon'ble Tribunal vide order dated 16.07.2024 in the instant O.A No. 826/2024 in para No. 2,3 & 4 ordered as follows:

***2. The matter relates to unabated mining taking place in various parts of Jammu and Kashmir. As per the article, large scale mining is taking place along the various rivers and water bodies of Kathua and Samba districts in Jammu region and Ganderbal district in Kashmir Valley. It is alleged***

  
Deputy Commissioner  
Kathua

*that this illegal mining has led to environmental hazards and affected the flora and fauna of the region.*

3. *The news item highlights that in various parts of Kathua and Samba districts, the water has depleted in rivers and it has been a cause of concern for the local people living nearby these rivers as their hand pumps have dried up due to the water level going considerably low in the rivers. Furthermore, it is claimed that due to the lack of checking, the mafia at various places have even started digging near the abutments of 2 bridges in the rivers posing a threat to them. It states that even the soil from Kahcharai land which is meant for grazing is being sold illegally.*
4. *The news item further alleges that fifteen people have died due to accidents caused by vehicles carrying mining materials in the last three years as there is no checking of the vehicles carrying double the load of their capacity.*

Copy of the order dated 16.07.2024 is enclosed herewith and marked as Annexure-I.

3. That in compliance to the order dated 16.07.2024 pronounced by the Hon'ble Tribunal, the Office of Deputy Commissioner, Kathua vide letter No. DCK/Legal/2024-25/163-165 dated 16.10.2024 directed the Senior Superintendent of Police, Kathua as well as District

  
**Deputy Commissioner  
Kathua**

Mineral Officer, Geology and Mining Department, Kathua to furnish the pointwise information as per the direction of the Hon'ble Tribunal.

4. That the pointwise reply submitted by District Mineral Officer, Geology and Mining Department, Kathua vide his letter No. DMO/K/NGT/2024-25/995 dated 16.10.2024 and Senior Superintendent of Police, Kathua vide his letter No. RDR/Misc/24/46093/DPO dated 17.10.2024 are reproduced as under:-

S.No	Point	Reply submitted by District Mineral Officer, Geology and Mining Department, Kathua	Reply submitted by Senior Superintendent of Police, Kathua
1.	Unabated mining taking place along the various rivers/ water bodies of Kathua & Samba Districts in Jammu region and Ganderbal District in Kashmir Valley	It is submitted that Kathua district has 19 minor mineral blocks and leases in operation that provide raw minerals (RBM) to the stakeholders. The blocks/leases, which are operational, have obtained all the codal formalities (like mining plan, site plan, EC, CTO, etc.) from the competent authorities and are in compliance with other NGT norms/conditions as well as departmental regulations. The	218 vehicles loaded with mining material have been seized during the current year and Rs. 1,14,30,675/- fine through DMO Kathua was Imposed. Furthermore, 06 cases against repeated offender has been registered in District Kathua

**Deputy Commissioner  
Kathua**

**Deputy Commissioner  
Kathua**

		<p>mining operations are exclusively conducted within these blocks or Mining leases and team of Geology and Mining department and the district-level task force Committee led by the Deputy Commissioner Kathua, take prompt legal action in the event that any illegal mining activity is reported. In addition to penalizing over 600 vehicles, it is on record that in the most recent fiscal year, 4.14 crore in the form of penalties were collected from violators for illegal mining outside of minor mineral blocks or leases.</p>	
2.	<p>It is claimed that due the lack of checking the mafia at various places have even started digging near the abutments of Bridges in</p>	<p>It is submitted that the news report was written solely on the common man's verbal assertions and lacks any supporting documentation. Mining is completely</p>	<p>The District Police as and when called by the District Mining Office to conduct the checking of unabated mining is always deputed alongwith the mining</p>

	<p>the rivers posing a threat to them</p>	<p>prohibited within 500 meters of bridges and enforcement teams have carefully enforced this rule on ground. Furthermore, the ongoing construction of the Delhi-Amritsar-Katra express way and the widening &amp; repair of existing bridges/Highway are the reasons for digging observed in some places close to national highway bridges, as confirmed by on-site visits. For the average person, this would appear to be mining activity; however construction agencies of NHAI are actually performing construction works.</p>	<p>officials</p>
<p>3.</p>	<p>Even the soil from Kahchrai, land meant for grazing is being sold illegally.</p>	<p>In reply to this, it is submitted that construction agencies receive Short Term Permits for ordinary earth only when a pre-determined process has been followed. Ordinary earth</p>	<p>No case of digging of soil from Kahcharai land meant for grazing is reported</p>

**Deputy Commissioner  
Kathua**

		<p>/soil mining is only permitted if the concerned Deputy Commissioner has granted land title or NOC. The Geology and Mining Department has given all the permissions for mining in the land whose titles have been confirmed by the Deputy Commissioner in the form of STPs/DPs.</p>	
4.	<p>News items further alleges that fifteen people have died due to accidents caused by vehicles carrying mining materials in the last three years as there is no checking of the vehicles carrying double the load of their capacity</p>	<p>In reply to this, it is submitted that no vehicle is able to tow twice as much weight as it is capable of. To prevent the overloading and unlawful transit of minerals, mining guards have been stationed at all critical sites. The enforcement staff is always alert and takes prompt action under rules as &amp; when any complaint regarding illegal mining/transportation/overloading of minor minerals is</p>	<p>As reported by all SHOs, no accident by vehicles carrying mining material was reported during the current year in which some body has lost his life due to accident</p>

**Deputy Commissioner  
Kathua**

		<p>reported. Around 600 vehicles were penalized for overloading and unauthorized mineral transportation during the previous fiscal year, as per the records. However, it is possible that the fifteen fatalities were caused by common accidents on national highways/UT roads rather than mining related incidents.</p>	
<p>5.</p>	<p>Matter indicates violation of Sustainable Sand Mining Guidelines 2016 and Environment Protection Act 1986.</p>	<p>In reply to this, it is submitted that the violations described in the news article have not occurred on the ground. This news reports may have been put together without any background research and based only on the spoken words of regular people. Every mineral transportation and mining operation has been completed in accordance with current regulations.</p>	

**Deputy Commissioner  
Kathua**

215

Copy of the letter No. DMO/K/NGT/2024-25/995 dated 16.10.2024 and letter No. RDR/Misc/24/46093/DPO dated 17.10.2024 are enclosed herewith and marked as Annexure-II & Annexure-III respectively.

An affidavit in support of the reply is enclosed herewith.

Answering Respondent



**Deputy Commissioner**  
Rakesh Mishra IAS  
Kathua

Deputy Commissioner Kathua  
M. No. 9872857701

Place:-Kathua  
Dated:- 14 .05.2025.





सत्यमेव जयते

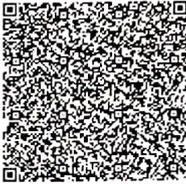
216

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Government of Jammu and Kashmir

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BEFORE THE NATIONAL GREEN TRIBUNAL,  
PRINCIPAL BENCH NEW DELHI.

Original Application No. 826/2024

In the case of: - News Item titled "Pillars of Ravi-Tawi Canal Bridge and railway bridge exposed after mining in Basantar river of Samba" appearing in Daily Excelsior dated 02.06.2024.

..... Petitioner

V/s

Ghansham Singh, Member Secretary, J&K PCC &Ors.

..... Respondent

IN THE MATTER OF :-Affidavit in support of Reply.

I, Rakesh Minhas aged 35 years, presently posted as Deputy Commissioner, Kathua do hereby state an oath/solemn affirmation that I have read the contents of reply of the above titled Original Application and declare that the contents of reply are true and correct as per the records available in the Department and nothing has been concealed therein.

*Rakesh*  
**Deputy Commissioner**

I, Ghansham Singh, Member Secretary, J&K PCC &Ors. is identified by Sh. *Rakesh Minhas, Deputy Commissioner, Kathua.*  
witnessed by Sh. *Majors. Kumar,*  
presented this affidavit before me *Jr. Assst. DC office Kathua.*  
today .. day of .. 198...and  
I administered Oath to him, who  
swore / Solemnly affirmed to the  
contents of this affidavit.

*[Signature]*  
Naib Tehsildar  
Executive Magistrate 1st Class  
(P. A. to Deputy Commissioner)  
Kathua

*Identified by*  
*[Signature]*

Item No. 02.

Court No. 1

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

Original Application No. 826/2024

News item titled "Pillars of Ravi-Tawi Canal Bridge and Railway Bridge exposed after mining in Basantar river of Samba" appearing in Daily Excelsior dated 02.06.2024.

Date of hearing: 16.07.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON  
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER  
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

**ORDER**

1. This original application is registered *suo-motu* on the basis of the news item titled "Pillars of Ravi-Tawi Canal Bridge and Railway Bridge exposed after mining in Basantar river of Samba" appearing in Daily Excelsior dated 02.06.2024.
2. The matter relates to unabated mining taking place in various parts of Jammu and Kashmir. As per the article, large scale mining is taking place along the various rivers and water bodies of Kathua and Samba districts in Jammu region and Ganderbal district in Kashmir Valley. It is alleged that this illegal mining has led to environmental hazards and affected the flora and fauna of the region.
3. The news item highlights that in various parts of Kathua and Samba districts, the water has depleted in rivers and it has been a cause of concern for the local people living nearby these rivers as their hand pumps have dried up due to the water level going considerably low in the rivers. Furthermore, it is claimed that due to the lack of checking, the mafia at various places have even started digging near the abutments of

1

PSA Attached  
Naib Tehsildar  
Executive Magistrate (1st Class)  
(P. A. to Deputy Commissioner)  
Kathua

bridges in the rivers posing a threat to them. It states that even the soil from Kahcharai land which is meant for grazing is being sold illegally.

4. The news item further alleges that fifteen people have died due to accidents caused by vehicles carrying mining materials in the last three years as there is no checking of the vehicles carrying double the load of their capacity.

5. The above matter indicates violation of Sustainable Sand Mining Guidelines 2016 and Environment Protection Act, 1986.

6. The news item raises substantial issue relating to compliance of the environmental norms and implementation of the provisions of scheduled enactment.

7. Power of the Tribunal to take up the matter *suo-motu* has been recognized by the Hon'ble Supreme Court in the matter of "*Municipal Corporation of Greater Mumbai vs. Ankita Sinha & Ors.*" reported in 2021 SCC Online SC 897.

8. Hence, we implead the following as respondents in the matter:

i. Central Pollution Control Board, Through its Member Secretary  
Parivesh Bhawan, East Arjun Nagar, Delhi-110032

ii. Jammu and Kashmir Pollution Control Board, Through its  
Member Secretary  
Parivesh Bhavan, Forest Complex,

iii. Ministry of Environment, Forest and Climate Change, Through  
its Regional Office

Integrated Regional Office, Jammu

IWDP Complex, Gladin, Narwal, Near J&K Pollution Control  
Board, Jammu - 180006

PGA  
Naib Tehsildar  
Executive Magistrate 1st Class  
(P.A. to Deputy Commissioner)  
Kathua

iv. Deputy Commissioner, Kathua

Room no. 1, 1st Floor, DC Office Complex, Kathua

v. District Magistrate, Samba

Nandni Hill, DM Office Samba

vi. Deputy Commissioner, Ganderbal

Dudcrhama Ganderbal Bridge, Srinagar, Jammu and Kashmir

191201

9. Let notice be issued to the above respondents for filing their response at least one week before the next date of hearing.

10. List on 16.10.2024.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

July 16, 2024  
O.A. No. 826/2024  
HB

PCA  
Nair Tansildar  
Executive Magistrate 1st Class  
(P. A. to Deputy Commissioner)  
Kathua

Government of Jammu & Kashmir

**OFFICE OF THE DISTRICT MINERAL OFFICER, KATHUA**

Ph: 01922-233033

Email Id: [dmokathua@gmail.com](mailto:dmokathua@gmail.com)

**Deputy Commissioner**  
Kathua

No: DMO/K/NGT/2024-25/995

Dated: 16/10/2024

**Subject: Hon'ble National Green Tribunal, Order dated 16-07-2024 in OA No. 826/2024 mining item titled "Pillars of Ravi- Tawi Canal Bridge and Railway Bridge exposed after in Basantar river of Samba" appearing in Daily Excelsior dated 02-07-2024.**

Reference:-DCK/Legal/2024-25/163-165 dated: 16-10-2024

Sir,

Kindly refer to the subject cited above. In this context, the point wise reply is furnished as under:

- 1. Unabated mining taking place along the various rivers/water bodies of Kathua & Samba districts in Jammu region and Gandral district in Kashmir Region:** it is submitted that Kathua district has 19 minor mineral blocks and leases in operation that provide raw minerals (RBM) to the stakeholders. The blocks/leases, which are operational, have obtained all the codal formalities ( like mining plan, site plan, EC, CTO, etc.) from the competent authorities and are in compliance with other NGT norms/conditions as well as departmental regulations. The mining operations are exclusively conducted within these blocks or Mining leases and team of Geology and Mining department and the district-level task force Committee led by the Deputy Commissioner Kathua, take prompt legal action in the event that any illegal mining activity is reported. In addition to penalizing over 600 vehicles, it is on record that in the most recent fiscal year, 4.14 crore in the form of penalties were collected from violators for illegal mining outside of minor mineral blocks or leases.
- 2. It is claimed that due to the lack of checking the mafia at various places have even started digging near abutments of bridges in the rivers posing a threat to them:** it is submitted that the news report was written solely on the common man's verbal assertions and lacks any supporting documentation. Mining is completely prohibited within 500 meters of bridges and enforcement teams have carefully enforced this rule on ground. Furthermore, the ongoing construction of the Delhi-Amritsar-Katra express way and the widening & repair of existing bridges/Highway are the reasons for digging observed in some places close to national highway bridges, as confirmed by on-site visits. For the average person, this would appear to be mining activity; however construction agencies of NHA are actually performing construction works.
- 3. Even the soil from Kahcharai land meant for grazing is being sold illegally: -**  
In reply to this, it is submitted that construction agencies receive Short Term Permits

PQA  
Nab Tehsildar  
Executive Magistrate 1st Class  
(P. A. to Deputy Commissioner)  
Kathua

for ordinary earth only when a pre-determined process has been followed. Ordinary earth/soil mining is only permitted if the concerned Deputy Commissioner has granted land title or NOC. The Geology and Mining Department has given all permissions for mining in the land whose titles have been confirmed by the Deputy Commissioner in the form of STPs/DPs.

4. **News item further alleges that fifteen people have been died due accidents caused by vehicles carrying double the load of their capacity:** - In reply to this, it is submitted that no vehicle is able to tow twice as much weight as it is capable of. To prevent the overloading and unlawful transit of minerals, mining guards have been stationed at all critical sites. The enforcement staff is always alert and takes prompt action under rules as & when any complaint regarding illegal mining/transportation/overloading of minor minerals is reported. Around 600 vehicles were penalized for overloading and unauthorized mineral transportation during the previous fiscal year, as per the records. However, it is possible that the fifteen fatalities were caused by common accidents on national highways/UT roads rather than mining related incidents.
5. **Matter indicates violation of Sustainable Sand Mining Guidelines 2016 and Environment Protection Act, 1986:** - In reply to this, it is submitted that the violations described in the news article have not occurred on the ground. This news reports may have been put together without any background research and based only on the spoken words of regular people. Every mineral transportation and mining operation has been completed in accordance with current regulations.

It is therefore submitted for favour of your information and further necessary action at your end please.

Yours faithfully,

PCA  
  
 Naib Tehsildar  
 Executive Magistrate 1st Class  
 (P. A. to Deputy Commissioner)  
 Kathua

  
 16/10/24  
 District Mineral Officer  
 Kathua



DISTRICT POLICE HEADQUARTERS KATHUA

E-mail: sspkathua@jkpolice.gov.in

Fax/Phone No.: 01922-234010



No:-RDR/Misc/24/46093/1886  
Date:- 17-10-24

The Deputy Commissioner,  
Kathua

ADC/ARA

Subject: - Original Application No. 826/2024 titled 'Pillars of Ravi-Tawi Canal Bridge and Railway Bridge exposed after mining in Basantar river of Samba' appearing in Daily Excelsior dated 02-06-2024.

18/10/24  
19/10/24

Kindly refer to your office letter No. DCK/Legal/2024-25/163-165 dated 16-10-2024, regarding the subject cited above.

In this regard, it is submitted that the point wise information reply is as under:

1. 218 vehicles loaded with mining material have been seized during the current year and Rs 11,430,675/- fine through DMO Kathua was imposed. Furthermore, 06 cases against repeated offender has been registered in District Kathua.
2. The District Police as and when called by the District Mining Office to conduct the checking of unabated mining is always deputed alongwith the mining officials.
3. No case of digging of soil from Kahcharai land meant for grazing is reported.
4. As reported by all SHOs, no accident by vehicles carrying mining material was reported during the current year in which some body has lost his life due to accident.

ARA  
19/10/24



Yours faithfully,

*[Signature]*  
for Sr. Superintendent of Police,  
Kathua.

*[Signature]*  
Naib Tehsildar  
Executive Magistrate 1st Class  
(P. A. to Deputy Commissioner)  
Kathua