

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI
Original Application No. 690/2033**

Raja Muzaffar Bhat

(Applicant)

Versus

Union Territory of Jammu & Kashmir & Ors

(Respondents)

**Subject:- Report on behalf of answering respondent No. 2 w.r.t. the order passed by Hon'ble
NGT on November 28, 2023.**

May the lordship be pleased to accept the following report on behalf of the answering respondent No.2 in the above matter:-

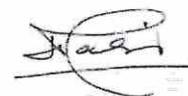
1. That the applicant approached the answering respondent through medium of a compliant dated 12/04/2023 alleging therein violation of the conditions of Environmental Clearance by the concerned project proponents through use of heavy machinery like JCBs etc. for extraction of minor minerals in the streams of three districts of Pulwama, Shopian and Budgam, thereby causing irreversible damage to the hydrological and ecological regime of the said nallahs. Copy of same is enclosed herewith as **Annexure-A**.
2. That, the answering respondent forwarded the copy of the said complaint to the concerned Dy. Commissioner, vide No.JKEIAA/Compl/2023/659/8073-8076 dated:24-05-2023 with a request to constitute a fact finding committee to visit the sites for inspection to report violations of environmental clearance conditions, if any, enabling JKEIAA to take necessary action on the complaint. Copy of same is enclosed herewith as **Annexure-B**.
3. A letter was also issued to Director, Department of Geology and Mining (DGM) and Regional Director, JK Pollution Control Committee(JKPCC), Kashmir vide No: JKEIAA/Compl/2023/659/8085-87 dated:24-05-2023 for getting the sites inspected for violation of environmental clearance conditions, if any, enabling JKEIAA to take necessary action on the complaint. Copy of same is enclosed herewith as **Annexure-C**.
4. It is pertinent to mention here that the term of the JKEIAA expired on 4th July 2023.
5. That, when no response was received from the Dy. Commissioner concerned, DGM and JKPC, the JKEIAA Secretariat issued a reminder to the Dy. Commissioner vide no: JKEIAA/Compl/2023/657/8508-10 dated:19-12-2023 and Director, Department of Geology and Mining (DGM) and Regional Director, JKPC, Kashmir vide No: JKEIAA/Compl/2023/657/8517-19 dated:19-12-2023. Copy of the reminders is enclosed herewith as **Annexure-D**.

6. That, in response to JKEIAA's above cited communications, the DGM vide his letter No. 431-S/C-Adm/DGM/Compliant/F-177 dated 28/12/2023 forwarded the copy of report from the District Mineral Officer (DMO), Pulwama District bearing No. DMO/Pul/DGM/IGRAM/2402 dated 18-08-2023 addressed to the Joint Director (K), Geology and Mining Department which indicates reads "*stringent actions like lodging of FIRs, Heavy pecuniary penalties and punishment for the offences as provided under section 21, of MMDR Act 1957 and rules made thereunder are being taken against the offenders. Rapid action team to control illegal mining, seizures', and late-night patrolling dismantling of ramps/approaching roads, blacklisting of vehicles and announcements in local mosques are made to curb the illegal mining.*" However, no details on illegal mining activities detected, persons involved and actions taken has been provided in the report.
7. That, the above cited report of DMO, Pulwama district indicates that the leaseholders have been strictly directed not to use heavy machinery and concerned official directed to keep complete vigil over the activities of the block holder and that in compliance to the Environmental Clearance specific condition No. 53, **Backhoe loaders are being used for loading purpose only.**" The copy of the forwarding letter No. 431-S/C-Adm/DGM/Compliant/F-177 dated 28/12/2023 from DGM with report of District Mineral Officer (DMO), Pulwama District bearing No. DMO/Pul/DGM/IGRAM/2402 dated 18-08-2023 is enclosed herewith as **Annexure-E**.
8. That, since Backhoe loaders as indicated in the above cited report are essentially excavators with a loading unit, therefore, there is every apprehension that the same may be misused leading to violation of spirit of the Specific Condition No.53 of the Environmental Clearance aimed to safeguard the ecological and hydrological regime of the nallah beds.
9. Accordingly, the Geology and Mining Department vide letter No. JKEIAA/ Razq-Umesh/2023-24/665/8604-06 dated 20/01/2024 and the Member Secretary, J&K Pollution Control Committee vide letter No. JKEIAA/ Razq-Umesh/2023-24/665/8602-03 dated 20/01/2024 were informed that the use of Backhoe is a violation of EC condition and accordingly asked to take necessary action under intimation to JKEIAA. The copy of communications dated 20/01/2024 are hereby enclosed as **Annexure-F**.
10. It is pertinent to mention here that Government of Jammu and Kashmir has constituted a "Multi Departmental District Level Task Force Cell headed by Dy. Commissioner in each district, G.O. No. 1569-GAD of 2018 dated 22/10/2018 with the mandate among others to enforce regulatory acts and rules. Accordingly, the Dy. Commissioner, Pulwama district has been asked to take necessary action in matter vide letter dated 20/01/2024 as submitted under Annexure-F supra. The Copy of Govt. Order dated 22/10/2018 is hereby submitted as **Annexure-G**.

Hence submitted on behalf of JKEIAA Secretariat and with approval of Ex-Exofficio, Member Secretary, JKEIAA

Dated: 27/01/2023

Place: Srinagar



Scientist

13/07/2023

To,

1. Union Territory of Jammu & Kashmir,
Through its Chief Secretary,
R. No. 2/7, 2nd, Floor Main Building, Civil Secretariat,
Jammu - 180001
Ph: 0191-2546773
Email ID: cs-jandk@nic.in

JKKEIA Authority
Srinagar/JammuNo. JKKEIAA/2023-24/283
Dated :12/4/2023.....

2. Jammu & Kashmir Environment Impact Assessment Authority,
Through its Member Secretary,
Paryavaran Bhawan, Transport Nagar, Gladni,
Jammu- 180006
Email: jkseiaa@gmail.com

3. Jammu & Kashmir State Pollution Control Board
Through its Member Secretary,
Parivesh Bhawan, Forest Complex, Gladni, Narwal,
Transport Nagar, Jammu,
Jammu and Kashmir 180004
Email ID: membersecy.pcb@jk.gov.in, membersecretaryjkspcb@gmail.com
Phone: 0191-2476925

4. Geology and Mining Department, Jammu & Kashmir
Through its Director,
J.L. Nehru Udhdyog Bhawan, 4th Floor, Rail Head Complex,
Jammu - 180012
Phone No: 0191-2477903
Email ID: dgmjak@gmail.com

Secretary / JKKEIA
Examinations put up on
file for
19/4.

Sub.: Use of JCBs and other heavy machinery in undertaking riverbed mining in multiple locations across the State of Jammu & Kashmir in violation of the conditions of Environmental Clearances

Dear Sir/ Ma'am,

1. The undersigned herein is a concerned citizen and resident of the State of Jammu and Kashmir. He is the Chairman of Jammu & Kashmir Right to Information Movement (RTI Movement) and the managing trustee of Centre for Conservation of Culture and Heritage (CCCH), which has been crucial in creating awareness about developments in the Environmental sector with regard to cases of non-compliance, destruction of wetlands and water bodies, etc. He is an activist and columnist who has been involved in various activities pertaining to good governance and environmental conservation in Jammu & Kashmir for the last 15 years. He has also written on several issues of forest conservation, waste management, protection of water bodies, conservation of agricultural land, etc. and has been raising issues concerning environment before different forums.
2. This representation is to bring to your notice the rampant violation of the conditions of Environmental Clearances by project proponents in streams located in 3 districts in the State of Jammu and Kashmir by undertaking riverbed mining by use of JCBs and other heavy machinery, thus causing irreversible destruction to the ecology of these streams.
3. Jammu & Kashmir Environment Impact Assessment Authority has issued Environmental Clearances to the following locations for undertaking riverbed mining. In all these areas, riverbed mining is being undertaken by use of JCBs and other heavy machinery:
 - i. Chadoora Foot Bridge to Sogam Bridge Upstream Doodh Ganga Nallah, District Budgam (Environmental Clearance granted to Rouf Ahmad on 06.07.2021);
 - ii. Chadoora Old Bridge to Hanjigund Downstream Nallah, Village Hillar, District Budgam (Environmental Clearance granted to Danish Yousuf on 06.07.2021);

- iii. C- Lasspora SIDCO Bridge D/ Stream Nallah Rambhara, District Pulwama (Environmental Clearance granted to Khursheed Ahmad Mir on 30.12.2021);
- iv. Mini Secretariat Shopian Upstream Nallah Rambhara, Village Arhama, Distret Shopian (Environmental Clearance granted to Abdul Hamid Wagay on 24.03.2022);
- v. Block No. 36/B, Rahmoo Bridge Downsteam Nallah Ramshoo, District Pulwama (Environmental Clearance granted to Umesh Kumar Sharma on 04.03.2022);
- vi. Army Camp Balapur D/ Stream Nallah, District Shopian (Environmental Clearance granted to Danish Yousuf on 18.06.2022).

Copy of Environmental Clearances granted for undertaking mining in the abovementioned 6 locations are annexed herewith as ANNEXURE A-1.

4. All the Environmental Clearances for the above-mentioned 6 locations in District Budgam, Pulwama and Shopian have been granted on the basis of a Specific Condition that mining will be undertaken manually with minimal support from mechanized methods and no heavy machinery can be used. Specific Condition No. 53 of all the Environmental Clearances state:

"Mining shall be done manually minimally supported by semi-mechanized methods. Heavy machinery like JCBs, L&T hydraulic excavators etc. should not be allowed."

5. The Environmental Clearances were granted on the condition that heavy machinery cannot be used to undertake mining. However, in clear violation of the Specific Condition, the project proponents are using JCBs and other heavy machinery to undertake mining in all the above-mentioned 6 locations. The undersigned has taken photographs dated 03.01.2023 of the use of JCBs and other heavy machinery to undertake mining in the streams and the same are annexed as ANNEXURE A-2. The situation at the sites is still the same and JCBs and other heavy machinery are being used continuously to undertake mining activities.

6. It should also be made clear that such usage of JCBs and other heavy machinery is rampant in the State of Jammu & Kashmir to undertake mining which is causing grave damage to the ecology of these streams.
7. The Environmental Clearances also provides that the Chairman, Jammu & Kashmir Pollution Control Board has to monitor the Environmental Clearance compliance and submit a monitoring report to Jammu & Kashmir Environment Impact Assessment Authority, failing which the Environmental Clearance shall be treated null and void. However, no such monitoring report by Jammu & Kashmir Pollution Control Board is available in the public domain including the PARIVESH website showing compliance of Environmental Clearance conditions.
8. The Environmental Clearances also state that in case of non-compliance with Environmental Clearance conditions during the mining activity, the Jammu & Kashmir Environment Impact Assessment Authority has the right to revoke the Environmental Clearance granted for the project. It states:
"64. The JKEIAA reserves the right to impose any other condition in the EC at any time during the period of mining lease. The JKEIAA reserves the right to revoke the EC in case any of the environmental clearance conditions are violated during the mining activity."
9. Therefore, in light of the fact that the project proponents are in complete violation of the Specific Condition requiring mining to be done manually, the Environmental Clearance deserves to be revoked as per Condition No. 64 the Environmental Clearance.
10. Usage of JCBs and other heavy machinery is not only in violation of the Environmental Clearance conditions but also impacts the aquatic life in the water streams. Excessive use of heavy machinery can disturb the habitat of aquatic animals, loss or shrinking of breeding/spawning sites, loss of food and ultimately changes in fish populations and community composition.
11. In view of the abovementioned violations of Environmental Clearance conditions and its grave impact on the aquatic life, the undersigned requests the authorities to take immediate steps to ensure compliance with the condition and stop the usage of JCBs and heavy machinery in the streams. It

5

Is also requested that environmental compensation is imposed on the project proponents for violation of an Environmental Condition and ecological restoration of the areas is also undertaken. The Jammu & Kashmir State level Environment Impact Assessment Authority is requested to revoke the Environmental Clearance in light of violation of Environmental Clearance condition, failing which the undersigned will be compelled to approach appropriate legal forum.

Yours sincerely,

Raja Muzaffar Bhat


12/4/2023



0191-2474553/0194-2490602
Government of India



Ministry of Environment, Forest & Climate Change
J&K ENVIRONMENT IMPACT ASSESSMENT AUTHORITY
(at) DEPARTMENT OF ECOLOGY, ENVIRONMENT AND REMOTE SENSING
S.D.A. Colony, Bemina, Srinagar-190018 (May-Oct)/ Paryavaran Bhawan, Transport Nagar, Glades, Jammu-180006 (Nov-Apr)
Email: jkciaa@gmail.com, website: www.paryavesh.nic.in

The Deputy Commissioner,
Pulwama, Srinagar, J&K UT.

No. JKEIAA/Compl/2023/659/8073-76

Dated 24 - 05 - 2023

Subject:- Use of JCB's and other heavy machinery while undertaking riverbed mining at multiple locations in violation of environmental conditions of Environmental Clearances - complaint thereof

Reference:- Complaint by Shri Raja Muzaffar Bhat, Chairman, J&K Right to Information Movement (RTI Movement) dated 12-04-2023

Sir,

This office is in receipt of Complaint filled by one Shri Raja Muzaffar Bhat, regarding the rampant violation of the conditions in the Environmental Clearances by Project Proponents in streams located in District Pulwama, by use of JCB's and other heavy machinery while undertaking riverbed mining, thus causing irreversible damage to the hydrological and ecological regime of these streams (copy enclosed).

As reported by the complainant the locations of the blocks where JCB's and other heavy machinery is reportedly being used by the Project Proponents in violations of environmental conditions is as under:-

1. C-Lassipora SIDCO Bridge, Downstream Nallah Rambiara, District Pulwama (E.C. granted to Shri Khursheed Ahmad dated (30-12-2021)
2. Block No.36/B Rahmoo Bridge, Downstream Nallah Ramshoo, District Pulwama (E.C. granted to Shri Umesh Kumar Sharma dated 04-03-2022)

In the above context, you may please constitute a fact finding team to visit these sites, inspect them for violation of Environmental Clearance conditions and submit a factual report to the Authority, to enable the Authority to take necessary action on the complaint.

Yours faithfully,

(S. Rakesh Kumar), IFS,
Member-Secretary, JKEIAA

Copy to:-

1. Chairman, JKEIAA for information please
2. Chairman, J&K PCC, Jammu for information please.
3. Secretary, JKEAC for information.

0191-2474553/0194 2490602

Government of India

Ministry of Environment, Forest & Climate Change

J&K ENVIRONMENT IMPACT ASSESSMENT AUTHORITY

(at) DEPARTMENT OF ECOLOGY, ENVIRONMENT AND REMOTE SENSING

S.D.A. Colony, Baramulla, Srinagar-190018 (May-Oct) / Paryavaran Bhawan, Transport Nagar, Gladia, Jammu 180006 (Nov-Apr)

Email: jkseiaa@gmail.com, website: www.paryavesh.nic.in

1. The Director,
Geology and Mining Department,
Jammu, J&K UT.

2. Regional Director,
JKPCC (Kashmir),
Silk Factory Road,
Srinagar.

No. JKEIAA/Comp/2023/659/8085-87

Dated 27-05-2023

Subject:- Use of JCB's and other heavy machinery while undertaking riverbed mining at multiple locations in violation of environmental conditions of Environmental Clearances – complaint thereof.

Reference:- Complaint by Shri Raja Muzaffar Bhat, Chairman, J&K Right to Information Movement (RTI Movement) dated 12-04-2023.

Sir,

This office is in receipt of Complaint filed by one Shri Raja Muzaffar Bhat, regarding the rampant violation of the conditions in the Environmental Clearances by Project Proponents in streams located in the Districts of Shopian, Pulwama & Budgam, by use of JCB's and other heavy machinery while undertaking riverbed mining, thus causing irreversible damage to the hydrological and ecological regime of these streams (copy enclosed).

As reported by the complainant the locations of the blocks where JCB's and other heavy machinery is reportedly being used by the Project Proponents in violations of environmental conditions is as under:-

1. Mini-Secretariat Shopian Upstream Nallah, Rambiar, Village Arhama District Shopian (E.C. granted to Shri Abdul Hameed Wagay dated 24-03-2022)
2. Army camp Balapur Downstream Nallah District Shopian (E.C. granted to Shri Danish Yousuf dated 18-06-2022)
3. C-Lassipora SIDCO Bridge, Downstream Nallah Rambiar, District Pulwama (E.C. granted to Shri Khursheed Ahmad dated (30-12-2021)
4. Block No.36/B Rahmoo Bridge, Downstream Nallah Ramshoo, District Pulwama (E.C. granted to Shri Umesh Kumar Sharma dated 04-03-2022)
5. Chadoora Food Bridge to Sogam Bride Upstream Dodganga Nallah District Budgam (E.C. granted to Shri Rauf Ahmad dated 06-02-2021).
6. Chadoora Old Bridge to Hanjigund downstream Nallah Village Hillar, District Budgam (E.C. granted to Shri Danish Yousuf dated 06-07-2021).

In the above context, you may please get these sites, inspected for violation of Environmental Clearance conditions and submit a factual report to the Authority, to enable the Authority to take necessary action on the complaint.

Yours faithfully,

Encl - As Above

Staff Officer 43
Member-Secretary, JKEIAA

Copy to the
Secretary, JKEIAA for information.



0191-2474553/0194-2490602
Government of India

Ministry of Environment, Forest & Climate Change
J&K ENVIRONMENT IMPACT ASSESSMENT AUTHORITY
(at) DEPARTMENT OF ECOLOGY, ENVIRONMENT AND REMOTE SENSING
S.D.A. Colony, Bemina, Srinagar-190018 (May-Oct) / Parvathan Bhawan, Transport Nagar, Gadal, Jammu-180006 (Nov-Apr)
Email: jksciaa@gmail.com, website: www.paryesh.nic.in



The Deputy Commissioner,
Pulwama, (Kashmir),
J&K UT.

URGENT

No. JKEIAA/Compl/2023/657/ 8508-10

Dated 19- 12 - 2023

Subject:-Use of JCB's and other heavy machinery while undertaking river bed mining at multiple locations in violation of environmental conditions of Environmental Clearance-complaint thereof.

Reference:-This office letter No. JKEIAA/Compl/2023/659/8073-76 dated 24-05-2023.

Sir,

Please refer this office above quoted reference on the subject. In this regard I am directed to request you to expedite the factual report to the Authority at the earliest, as the matter has already been delayed and the concerned complainant has filed Original Application No. 690/2023 before Hon'ble NGT (copy enclosed).

The reply from your side is pending still. It is requested that the same may please be shared immediately so that the Hon'ble NGT is apprised accordingly.

Yours faithfully,


Secretary, J&K EIAA.
19/12/2023

Copy to the:-

1. Chairman, J&KPCC, J&K UT for information please.
2. Scientist (F), DEERS for information and necessary action.

BEFORE THE NATIONAL GREEN TRIBUNAL, NEW DELHI

Original Application No. 690/2023

Raja Muzaffar Bhat Vs. Union Territory of Jammu & Kashmir & Ors.

To

1. Union Territory of Jammu & Kashmir
Through its Chief Secretary, R. No. 2/7,
2nd Floor Main Building, Civil Secretariat, Jammu-180001
Email: cs-jandk@nic.in
2. Jammu & Kashmir Environment Impact Assessment Authority
Through its Member Secretary, Paryavaran Bhavan,
Transport Nagar, Gladni, Jammu-180006
Email: jkseiaa@gmail.com
3. Jammu & Kashmir State Pollution Control Board
Through its Member Secretary,
Parivesh Bhavan, Forest Complex, Gladni,
Narval, Transport Nagar, Jammu, Jammu & Kashmir-180004
Email: membersecy.pcb@jk.gov.in/ embersecretaryjkspcb@gmail.com
4. Geology and Mining Department, Jammu & Kashmir
Through its Director, J.L. Nehru Udhyog Bhawan,
4th Floor, Rail Head Complex, Jammu-180012
Email: dgmjak@gmail.com
5. District Magistrate, Pulwama
Ground Floor, Mini Secretariat, Pulwama-192301
Email: depul-jk@nic.in
6. Umesh Kumar Sharma
S/o Shiv Narayan Sharma, R/o B-33/568,
Near Gurudwara Saroop Nagar, District Ludhiana-141008, Punjab

J&KEIA Authority
Srinagar/Jammu

No. J&KEIAA/2023-24/380

Dated : 11/12/23

(RESPONDENTS)

NOTICE

Whereas the above titled Application was listed before the Hon'ble Tribunal on 28.11.2023 (copy of order & petition are enclosed), when the Hon'ble Tribunal inter-alia passed the following order (reproduced relevant extracts only):-

"2. The OA involves substantial issue relating to the environment. Hence, we deem it proper to issue notice to the respondents. Counsel for the applicant is directed to serve the respondents and file affidavit of service before the next date of hearing.

4. List on 05.02.2024."

2. Now, take further notice that the above application will be listed for further hearing before the Hon'ble Tribunal 05th February, 2024, at Faridkot House, Copernicus Marg, New Delhi-110001 through physical hearing (with hybrid option), when you may appear before the Hon'ble Tribunal either in person or by a pleader duly instructed, and file reply/response, as per directions of the Hon'ble Tribunal vide Order dated 28.11.2023.

3. Take further notice that in default of your appearance on the date above mentioned, the said Application will be heard and determined in your absence.

4. Given under my hand and the seal of this Hon'ble Tribunal, on this 01st December, 2023.

Note: (For Orders, Cause Lists & other information, please visit our website www.greentribunal.gov.in)


Consultant (Judicial), NGT



97 ANNEXURE - 'D'



0191-2474553/0194-2490602

Government of India

Ministry of Environment, Forest & Climate Change

J&K ENVIRONMENT IMPACT ASSESSMENT AUTHORITY

(at) DEPARTMENT OF ECOLOGY, ENVIRONMENT AND REMOTE SENSING

S.D.A. Colony, Bemina, Srinagar-190018 (May-Oct) / Parjavarin Bhawan, Transport Nagar, Gladhi, Jammu-180006 (Nov-Apr)

Email: jkeiaa@gmail.com, website:www.parivesh.nic.in



1. The Director,
Geology and Mining Department,
Jammu, J&K UT.
2. Regional Director,
JKPCC (Kashmir)
Silk Factory Road,
Srinagar.

No.JKEIAA/Compl/2023/657/8517-19

Dated 19-12-2023

Subject:-Use of JCB's and other heavy machinery while undertaking river bed mining at multiple locations in violation of environmental conditions of Environmental Clearance-complaint thereof.

Reference:-This office letter No. JKEIAA/Compl/2023/659/8085-87 dated 24-05-2023.

Sir,

Please refer this office above quoted reference on the subject. In this regard I am directed to request you to expedite the factual report to the Authority at the earliest, as the matter has already been delayed and the concerned complainant has filed Original Application No. 690/2023 before Hon'ble NGT. The Authority has to file objections in this case before Hon'ble NGT, as such, the enquiry report is urgently required for further eventual action at the end.

Yours faithfully,


Secretariat JKEIAA.

Copy to the:-

1. Scientist (F), DEERS for information.

DGM-Dy.D0431S/21/2023-03-DIRECTORATE OF GEOLOGY & MINING (OUTSIDE SECTT)
3532042/2023/PA to DGM
I/325156/2023

Government of Jammu & Kashmir
DIRECTORATE OF GEOLOGY & MINING

4th Floor, J. L. Nehru Udyog Bhawan, Rail Head Complex, J&K, Jammu - 180012
Ph. +91-191-2477903 Fax: +91-191-2477903 Email- damiak@gmail.com

J&KEIA Authority
Srinagar/Jammu

No. J&KEIAA/2023-24/387
Dated: 29/12/2023

✓ **The Director,**

Department of Ecology, Environment & Remote Sensing
Paryavaran Bhawan Transport Nagar,
Gladni, Narwal, Jammu-180006.

No: 431-S/C-Adm/DGM/Complaint/F-177

Dated: 28-12-2023

Subject: Use of JCBs and other heavy machinery in undertaking riverbed mining in multiple locations in violation of environmental conditions of Environmental Clearance-complaint thereof.

Reference: JKEIAA/Compl/2023/657/8234-35 dt. 19-09-2023.

Sir,

This has reference to your Office letter No. JKEIAA/Compl/2023/657/8234-35 dated 19-09-2023 regarding the subject cited above. In this context, the report / reply submitted by the District Mineral Officers, Budgam, Pulwama and Shopian duly forwarded by the Joint Director, Kashmir is enclosed herewith for kind perusal and further necessary action at your end please.

Yours faithfully,

Encl: A/A


Director, 29/12/23


Geology & Mining Department,
JK (UT) Govt., Jammu.



19

Government of Jammu & Kashmir
DEPARTMENT OF GEOLOGY & MINING

OFFICE OF THE DISTRICT MINERAL OFFICER PULWAMA

The Joint Director (K),
Geology and Mining,

No: DMO/Pul/DGM/IGRAM/2402

Dt: 18/08/2023

Subject: Use of JCB's and other heavy machinery In undertaking riverbed mining in multiple locations across the State of Jammu and Kashmir in violation of the conditions of Environmental Clearances.

Ref: your office letter No. JDK/MSK/DGM/SGR/COMP/Pul/F-01/118-20 dated 10/05/2023

Sir,

Kindly refer to the above subject and reference. In context of which, it is to inform that this office, in spite of the limited manpower is working in the best interest of the administration and for effective implementation MMDR-Act 1957 and rules made there under, "J&K Minor Mineral Concession Storage, Transportation of Minerals and Prevention of Illegal Mining Rules, 2016" notified vide SRO-105 Dated: 31.03.2016".

More stringent actions like lodging of the FIRs, Heavy pecuniary penalties and punishment for the offence as provided under section 21, of MMDR Act 1957 & rules made thereunder are being taken against the offenders, Rapid Action Team to control illegal mining, Seizures and late night patrolling, dismantling of the ramps/approaching roads, blacklisting of the vehicles and announcements in local mosques are made to curb the illegal mining activities.

It is not out of place to mention here that these actions against the illegal mining have been intensified and cracking the whips on illegal miners, regular seizures are made and these illegal miners have been warned to desist from illegal extraction of minerals. Regular inspection are conducted in the area from where complaints of illegal mining and transportation of minor mineral are received.

Regarding the complaint about the Use of JCB's in undertaking riverbed mining in leased out minor mineral blocks i.e C- Lassipora SIDCO Bridge D/Stream Nallah Rambiarra & B-Rahmoo Bridge D/ Stream Nallah Romushi it is submitted that the lease holders have been strictly directed not to use the heavy machinery in their blocks and area incharge have been directed to keep complete vigil over the activities of the block holder and submit the report to this office regularly in this behalf. The block holders have been conveyed to comply all the provisions of Minor Mineral Rules as mentioned under SRO-105, "The Jammu and Kashmir Minor Mineral Concession Storage, Transportation of Minerals and Prevention of Illegal Mining Rules 2016". However, it is submitted that block holder are working from 6:00 A.M to 7:00 P.M as per the specific conditions mentioned in their Environmental Clearance and as per point no. 53 of specific conditions, mining is being allowed manually minimally supported by semi-mechanized methods. Backhoe loaders are used for loading purposes only.

Hence submitted.

Yours faithfully,

District Mineral Officer
Pulwama



0191-2474553/0194-2490602

Government of India

Ministry of Environment, Forest & Climate Change

J&K ENVIRONMENT IMPACT ASSESSMENT AUTHORITY

(at) DEPARTMENT OF ECOLOGY, ENVIRONMENT AND REMOTE SENSING

S.D.A. Colony, Bemina, Srinagar-190018 (May-Oct)/Parsvatan Bhawan, Transport Nagar, Gwalu, Jammu-180006 (Nov-Apr)

Email: jkeiaa@gmail.com, website: www.pwvishnic.in



The Director,
Geology & Mining Department,
J&K Govt., Jammu

No: JKEIAA/R92a-Umrsh/2023-24/65/8604-06 Dated: 20-01-2024
 Subject: Complaint on non-compliance of Environmental Clearance conditions by the
 Project Proponents in various RBM mining blocks of Pulwama District - Regarding
 Ref: Your office letter No. 431-SC/Adm/DGM/Compliant/F-177 dated 28/12/2023

Sir,

In reference to subject and your office No. cited above, it is observed that as per the report of the District Mineral Officer, the Project Proponents are using backhoe loaders in the below mentioned blocks:

1. C-Lassipora SIDCO Bridge, Downstream Nallah Rambiar, District Pulwama (E.C. granted to Shri Khursheed Ahmad dated (30-12-2021)
2. Block No.36/B Rahmoo Bridge, Downstream Nallah Ramshoo, District Pulwama (E.C. granted to Shri Umesh Kumar Sharma dated 04-03-2022)

Backhoe loaders are essentially excavators with loading unit. This is contrary to the Specific Condition No.53 of the Environmental Clearance issued for the above-mentioned mining blocks and as such is a violation of EC by the Project Proponent. In this regard you may take appropriate action under intimation to this office in a week's time, so that Hon'ble NGT is accordingly apprised.

Further, it may be ensured that the EC conditions are strictly adhered to by all the Project Proponents and necessary instructions be issued to the District Mineral Officers accordingly.

Yours faithfully,

JKEIAA Secretariat

Copy to

1. Dy. Commissioner, Pulwama for information and necessary action in accordance with G.O. No. 1569-GAD of 2018 dated 22/10/2018
2. Scientist (F)/JKEAC (Sectt.), DEERS for information.

0191 2474553/0194-2190602

Government of India

Ministry of Environment, Forest & Climate Change

**J&K ENVIRONMENT IMPACT ASSESSMENT AUTHORITY**

(at) DEPARTMENT OF ECOLOGY, ENVIRONMENT AND REMOTE SENSING

S.D.A. Colony, Baramulla, Srinagar 191001 (N.W. Dist.) / Panchsaran Bazar, Transport Nagar, Gdaha, Jammu 180006 (N.W. Dist.)
Email: jkeiaa@gmail.com, website: www.panchsaran.nw.in

The Member Secretary
J&K Pollution Control Committee,
Jammu

No: JKEIAA/RA21-0004/2023-24/65/8602-03 Dated: 20-01-2024
Subject: Complaint on non-compliance of Environmental Clearance conditions by the
Project Proponents in various RBM mining blocks of Pulwama District - Regarding

Sir,

Kindly refer to this office letter No. JKEIAA/Compl/2023/659/8085-87, dated:24-05-2023 and reminder thereof vide No. JKEIAA/Compl/2023/657/8517-19, dated:19-12-2023 to Regional Director(K), JKPC on the subject. The main contention in the complaint is the violation of Specific Condition No.53 of the Environmental Clearance issued for the below mentioned mining blocks:

1. C-Lassipora SIDCO Bridge, Downstream Nallah Rambiar, District Pulwama (E.C. granted to Shri Khursheed Ahmad dated (30-12-2021)
2. Block No.36/B Rahmoo Bridge, Downstream Nallah Ramshoo, District Pulwama (E.C. granted to Shri Umesh Kumar Sharma dated 04-03-2022)

Meanwhile, the Director Geology & Mining in his response on the subject has communicated that there has been the use of backhoe loaders in the above blocks (Copy enclosed). This is a violation by the Project Proponent of the Specific Condition No.53 mentioned above. (Copy enclosed). In this regard you may please take appropriate action under intimation to this office, so that Hon'ble NGT is apprised accordingly.

Yours faithfully,

JKEIAA Secretariat

Copy to:

1. Scientist (F)/JKEAC (Sectt.), DEERS for information.



GOVERNMENT OF JAMMU AND KASHMIR,
GENERAL ADMINISTRATION DEPARTMENT,
Civil Secretariat, Srinagar.

Subject:- Constitution of "Multi Departmental District Level Task Force Cell" in Geology & Mining Department.

Reference: UO No.IND/MNG/70/09 dated 28.09.2018 from Industries & Commerce Department.

Government Order No. 1569-GAD of 2018
Dated: 22.10.2018

Sanction is hereby accorded to the constitution of "Multi Departmental District Level Task Force Cell" in Geology & Mining Department, comprising the following:-

1	Deputy Commissioner (concerned).	Chairman
2	Superintendant of Police (concerned).	Member
3	Assistant Commissioner, Revenue (concerned).	Member
4	Executive Engineer, I&FC Department (concerned).	Member
5	Divisional Forest Officer (concerned).	Member
6	Mineral Officer, Geology & Mining Department (concerned).	Member
7	District Mineral Officer (concerned).	Member Secretary

The mandate and term of reference of the Cell shall be to:-

- i. Identify sites located beyond the boundaries of leaseholds and agencies involved in illegal mining activities;
- ii. quantify material extracted on account of illegal mining and imposition of penalties including cost material, royalty and its recovery thereof;
- iii. refer such illegal mining activities to the Director, Geology & Mining Department empowered for such purpose in accordance with rules compounding of offence;
- iv. case the offender does not attend to the Directorate of Geology & Mining for compounding of offence, such matters shall be referred to judicial authorities in consultation with the Cell;
- v. inspect mining belts with respect to title of land, status of mining pits/benches with regard to existence of flora and fauna including forestation etc. and examining the issues

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- related to safety besides, safeguarding Ecology and Geo-environment and highlighting the area of immediate concern and remedial measures thereof;
- vi. identify sites where e-auction of material in nallah beds, quarry belts is to be undertaken;
 - vii. evaluate price/sale of mineral at Pit head, cost of transportation to its destination;
 - viii. check whether extraction of major mineral is permitted under the garb of minor mineral;
 - ix. check whether the labour working in the mines is exploited by owners in respect of wages, facilities. In such a case, the labour laws and mines regulation shall be a guiding factor;
 - x. prevent illegal miners /forest contractors from violating rules of Geology & Mining Department;
 - xi. submit the annual progress reports of study and analysis together with its recommendations to the Industries & Commerce Department;
 - xii. enforce provisions of SRO-105 dated 31.03.2016 and SRO-302 dated 19.07.2017; and
 - xiii. chairman of this committee may constitute sub-committee in the matter, if it is found necessary to enforce the TOR in more effective manner.

By order of the Government of Jammu and Kashmir.

Sd/-

(Hilal Ahmad) IAS,

Commissioner/Secretary to the Government.

Dated: 22.10.2018.

No. GAD(Adm)148/2012-IV

Copy to the:

1. **Principal Secretary to the Government, Industries & Commerce Department. His UO file is also returned herewith.**
2. Principal Chief Conservator of Forest, J&K.
3. Director, Geology & Mining Department, J&K.
4. Chief Engineer, I&FC Department, Jammu/Kashmir.
5. All Deputy Commissioners.
6. Director, Archives, Archaeology and Museums, J&K.
7. OSD/Spl. Assistant to Advisor (V), (K) and (G) to the Hon'ble Governor.
8. All Assistant Commissioners (Revenue).
9. Private Secretary to the Chief Secretary.
10. Private Secretary to the Commissioner/Secretary to the Government, GAD.
11. Government Order file/Stock file GAD website.

(Chander Parkash),

Deputy Secretary to the Government.

22/10