

GOVERNMENT OF JAMMU AND KASHMIR

Office of the District Magistrate, Jammu

Wazarat Road Jammu-180001 (J&K)-India

(website: <http://jammu.gov.in> eMail: dcofficejammu@gmail.com)

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

No:-DMJ/LO/NGT/ 2024-25/407-08

Dated: 15-05-2024

Subject: Hon'ble NGT Order Dated 07-03-2024 in OA No. 46/2024 titled Vijay Kumar Sharma V/s UT of Jammu and Kashmir.

Sir,

In reference to the above noted subject, it is submitted that the relevant part of the Hon'ble National Green Tribunal Order dated 07-03-2024 passed in the aforementioned case is reproduced here under:-

"...2. The complaint is that in village Kah which is situated on the bank of River Chenab, a lot of illegal mining is being carried out by scrupulous people causing damage to river ecology as also to environment. People involved in illegal mining are using heavy machines like JCB etc. affecting water flow of the River Chenab which may be dangerous to villagers living in the village. Further, illegal stone crushers are being run in the area concerned. It is also said that the State Government has though banned mining on the bank of river but in connivance of local administration, illegal mining is going on and no action has been taken to check and prevent it.

3. In our view the complaint made in letter petition do give rise to a substantial question relating to environment arising due to implementation of scheduled enactments under NGT Act, 2010, but before taking any further action in the matter, we find it appropriate to obtain a factual report for the purpose whereof we constitute a Joint Committee comprising District Magistrate, Jammu, J&K Pollution Control Committee and Director, Mining and Geology Department, UT J&K.

Signature

4. District Magistrate, Jammu shall be nodal agency for coordination and compliance.

5. The Committee shall visit the site, collect relevant information and submit a factual report within two months 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."

Accordingly, kindly find enclosed herewith the compliance report of the Joint Committee as **Annexure-A** in deference to the directions of the Hon'ble National Green Tribunal.

It is requested that the report may kindly be taken on record and placed before the Hon'ble NGT for kind consideration please.

Encls:As above

Yours faithfully,


Sachin Kumar Vaishya, IAS
District Magistrate,
Jammu.

Copy for information to Mr. G.M. Kawoosa, Additional Standing Counsel for UT of J&K, Hon'ble National Green Tribunal, H-24, 2-d Floor, Lajpat Nagar-01, New Delhi.

Compliance Report of the Joint Committee in terms of the Hon'ble National Green Tribunal's Order dated 07-03-2024 passed in OA No. 46/2024 titled Ashok Kumar Sharma V/s UT of Jammu & Kashmir.

As ordered by the Hon'ble National Green Tribunal, the Report of the Joint Committee comprising of the District Magistrate, Jammu, J&K Pollution Control Committee (JKPCC) and the Director, Geology & Mining, J&K (DGM) is submitted as under:-

1. In terms of the JKPCC's communication No. JKPCC/NGT/24/531-34, Dated 13-03-2024, Mr. A. B. Jandial, the Divisional Officer, Pollution Control Committee, Jammu (North) was nominated to participate in the Joint Committee on behalf of the JKPCC. The said communication dated 13-05-2024 of the JKPCC addressed to District Magistrate, Jammu is enclosed as **Annexure-1**.
2. Further, in compliance to the Hon'ble NGT's Order dated 07-03-2024, the above stated three member of the Joint Committee, in order to ascertain the factual position with respect to the complaint of illegal mining and causing damage to the river ecology and environment made in the instant O.A. No. 46/2024, visited the area in and around village 'Kah' of Jammu District of the UT of J&K on 12-05-2024 (Sunday) and following is the detail of observations made and factual report:-
 - a) That the Revenue Village 'Kah' of Tehsil Maira Mandarian, District Jammu is located on the right bank of River Chenab. A handmade sketch/map showing location of village 'Kah' is enclosed herewith as **Annexure-2**.
 - b) The territorial/revenue jurisdiction of village 'Kah' and the adjoining village 'Pail-Be-Chirag' falls in District Jammu, whereas, the territorial/revenue jurisdiction of river Chenab falls in District Reasi.
 - c) That the residential area of village 'Kah' is around at a distance of approximately one (01) km away from the river bed and at an elevation of around 50 meters above river bed level. As already mentioned above, the area of chenab river bed falls entirely in Reasi District.
 - d) That the village is covered with thick vegetation all around and has a population of around 150 heads comprising 25 to 30 households.
 - e) That two stone crusher units, namely, M/s Jai Dev Stone Crusher and M/s Ram Build Wells Stone Crusher are operational in village 'Pail-Be-Chirag' which is adjoining to the revenue village 'Kah'. Both these stone crusher units are consented by JKPCC, however, the CTO of M/s Jai Dev Stone

Crusher has expired in March 2024 and its renewal is under process in JKPCC.

- f) That, presently three (03) Minor Mineral Blocks of River Bed Material (RBM) falling in District Reasi, which have been e-auctioned by the District Auction Committee of Reasi District headed by DC Reasi, namely, MM Block No.22, 23 and 24 are operational and touch the boundary of village 'Pail-Be-Chirag' of Jammu District and are the legal source of raw material being procured by the two Stone Crusher Units.
- g) That the mining of River Bed Material is not banned by J&K Govt. and is governed by J&K Minor Mineral Rules of 2016 notified vide SRO-105/2016. At present, in total Seventeen Minor Mineral (RBM) Blocks have been e-auctioned and leased out on Chenab River Bed, out of which Nine (09) fall in District Reasi and Eight (08) fall in District Jammu.
- h) That, the Joint Committee on inspection of area around villages 'Kah' and 'Pail-Be-Chirag' found no major signs of environmental degradation, on the contrary, the inhabited area around the two villages was found quite green which is at an distance of around 2.0 Kms from M/s Jai Dev Stone Crusher and around at a distance of 1.5 Kms from M/s Ram Buil Wells Stone Crusher. The distance of three operational Minor Mineral (RBM) Blocks No. 22, 23 & 24 falling in revenue village 'Jerri' of district Reasi is more than 2 Kms from the inhabited area of village 'Kah'.
- i) That, no heavy machinery was found operational / extracting RBM in the said e-auctioned blocks of district Reasi. Also, no apparent signs of illegal mining in the area were noticed.
- j) That, the team ordered for measuring of the stocks of raw material (stone boulders and nallah muck) procured and stocked by the two stone crusher units at site and also the quantities of the processed material (crushed sand and aggregate) and waited at site till the same were cross-checked with the quantities uploaded on the E-Marketplace Portal of the Department of Geology & Mining which is mandatory to upload while procurement of raw materials as well as at the time of sale of the finished/processed products by all Stone Crusher Units. This measurement of stock piles at the two crusher units was got done by the Joint Committee to ascertain that if any excess material is found at site, it would construe that the same has been acquired/ procured through illegal means/mining. No excess/illegally stocked quantities of the material were found at site of the two stone crusher units after quantification.
- k) No evidence of any kind of mining or any signs of environmental degradation were noticed in village 'Kah'. However, few very small heaps of Sand were found dumped

near village 'Kah' and upon confirmation from the locals it revealed that few local unemployed youth of village 'Kah' are occasionally involved in manual extraction of sand for local consumption.

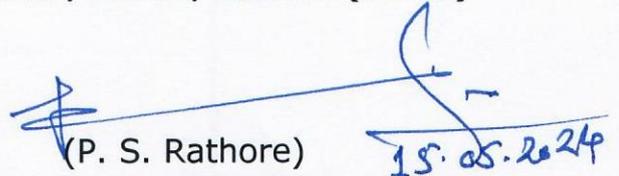
- l) As the residential area of Village 'Kah' is located at a distance of approximately one (01) Km from the nearest embankment of Chenab river bed and at an elevation of around 50 meters from the river bed level, hence no apparent threat of any kind of damage to the residential area was observed. Besides, no change in flow of the river course near village 'Kah' was noticed.

Photographs of the village 'Kah' and the adjoining embankment of Chenab river bed falling entirely under Reasi District's jurisdiction are enclosed herein as **Annexure-3**.



(A.B. Jandial)

Divisional Officer, JKPCC, Jammu (North)



(P. S. Rathore) 15.05.2024

Director, Geology & Mining, J&K



(Sachin Kumar Vaishya), IAS

District Magistrate, Jammu

Jammu and Kashmir Pollution Control Committee

Parivesh Bhavan, Forest Complex ||| Silk Factory Road
Transport Nagar, Jammu, 180 006 ||| Rajbagh, Srinagar, 190 008

Tel - 0191-2476927; mail - membersecretaryjkspcb@gmail.com

Annexure-1

**The Deputy Commissioner/District Magistrate
Jammu**

No. JKPCC/NGT/24/ *531-34*

Dt: *13*-03-2024.

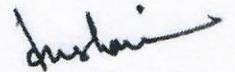
**Sub:- Nomination of member for Joint Committee in compliance to Hon'ble
NGT Order dt. 07-03-2024 in O.A No. 46/2024 titled Vijay Kumar
Sharma Vs Union Territory of Jammu and Kashmir.**

Sir,

With reference to subject cited above and in compliance to Hon'ble
National Green Tribunal Order dt. **07-03-2024** in **O.A No. 46/2024** titled **Vijay
Kumar Sharma Vs Union Territory of Jammu and Kashmir.**

I am directed to say that Sh. A B Jandial Divisional Officer Pollution Control
Committee Jammu (North) (Mobile No. 9419196544) shall participate in the
joint committee and coordinate on behalf of J&K PCC in compliance of Hon'ble
NGT orders, in the instant OA.

Yours faithfully,



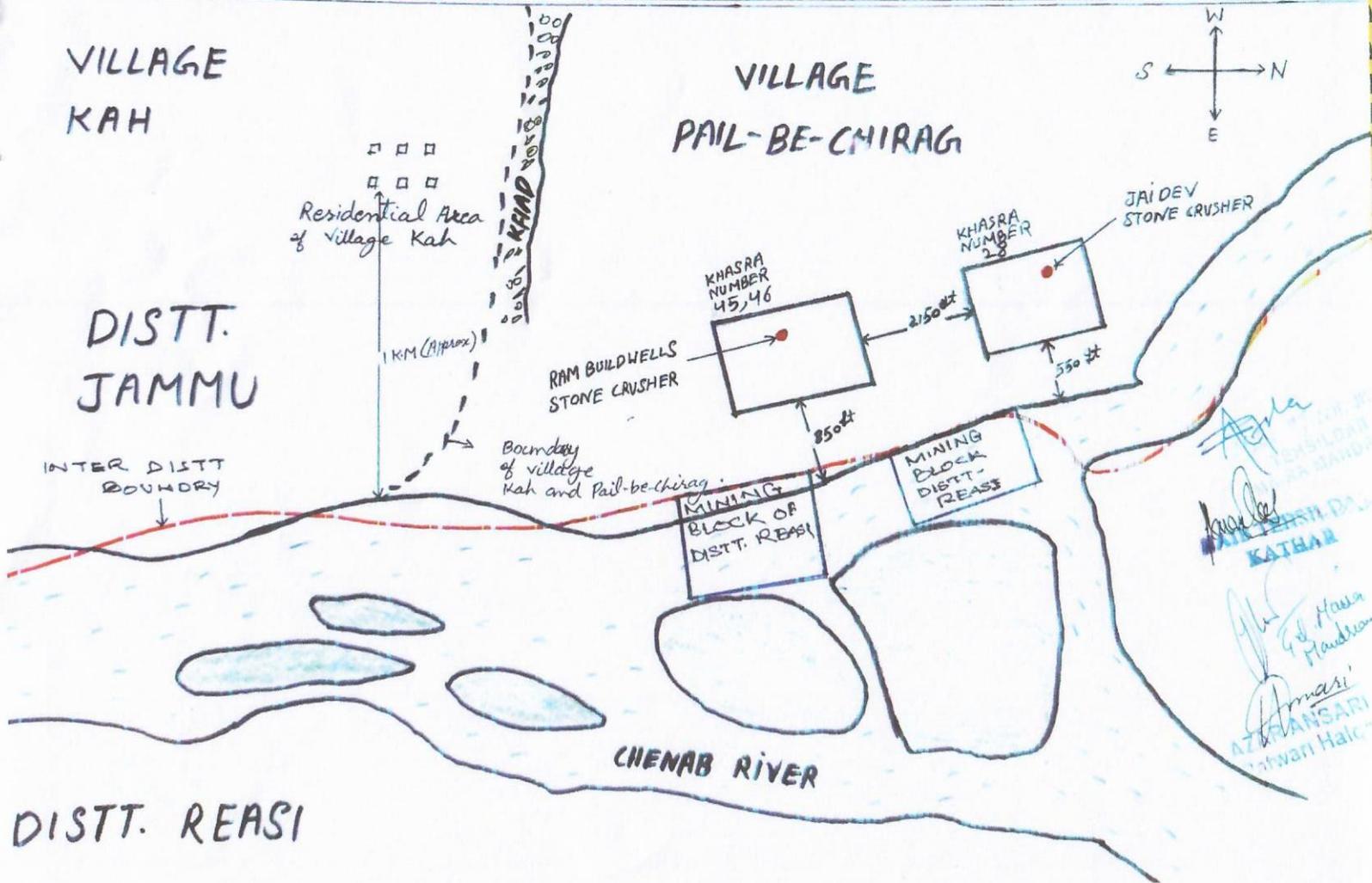
(J.N Sharma)

Environmental Engineer

Copy to the:-

1. Regional Director, Pollution Control Committee, Jammu for information and necessary follow up in this regard.
2. Director Geology and Mining Department, J&K for information.
3. Divisional Officer, Pollution Control Committee, Jammu (North) for information and necessary compliance.

HANDMADE SKETCH SHOWING AREA OF VILLAGE KAH AND PAIL-BE-CHIRAG



Amari
Amari
 KATHAR
 98 Haveli
 Haudhra
 Amari
 Atwari Hali













