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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 924/2024

In the Matter of:


News Item titled "Sand Mafia destroys Jhelum embankment puts thousands at risk" appearing in Daily Excelsior dated 09.07.2024.

Report filed on behalf of Respondent No 5

The Respondent No 5 begs to state as follows:

The Hon'ble National Green Tribunal Principal Bench, New Delhi has taken suo-moto cognizance by registering the Original Application on the basis of the News Item titled "Sand Mafia destroys Jhelum embankment puts thousands at risk" appearing in Daily Excelsior dated 09.07.2024. The involved matter concerns the destruction of Jehlum embankment near Khankah Bagh, Pampore in District Pulwama leaving nearly 400 households vulnerable to potential floods risking both their lives and property. The locals reported suspicious movements of heavy vehicles resulting in the destruction of embankment by resorting to illegal sand extraction and despite the efforts put in by the community members, the sand mafia managed to escape. The root cause of such incidents is the unchecked illegal sand mining driven by profit motives, disregarding Environmental Regulations and Community Safety. Acting upon the same, the Hon'ble Tribunal has been pleased to pass the order Dated 26-07-2024 wherein the following authorities are impleaded as respondents in the matter.

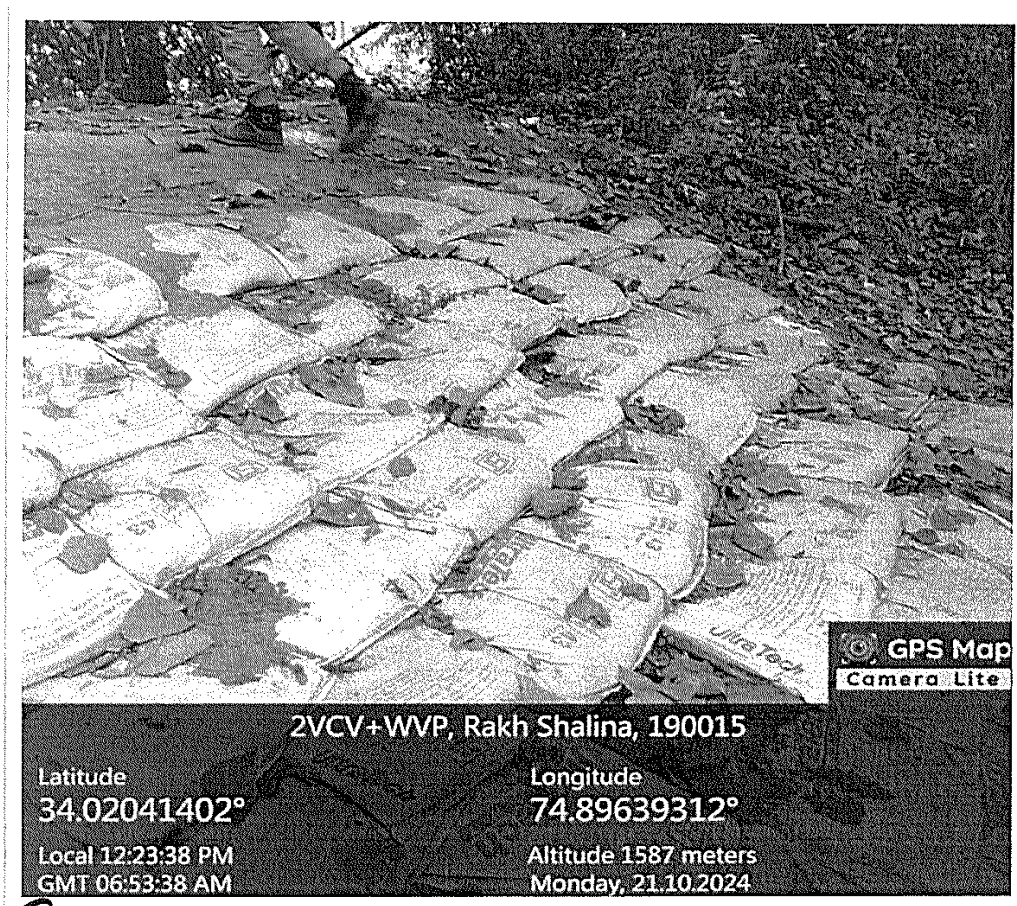
- (1). Central Pollution Control Board, through its Member Secretary,
- (2). Pollution Control Committee J&K, through its Member Secretary,
- (3). Ministry of Environment and Forest, Integrated Regional Office,
- (4). Geology and Mining Department, through its Director,
- (5). District Magistrate Pulwama

 Furthermore, the Hon'ble NGT has directed the formation of a joint committee comprising of the above impleaded respondents to visit the site and ascertain the correct position, the truthfulness of the facts disclosed in the news item and also suggest the remedial action and submit the action taken report before the Tribunal within three months.

However, the district administration, Pulwama alongwith the concerned line Departments viz Department of Geology & Mining and the Department of Irrigation and Flood control had taken immediate cognizance of the incident raised by the locals through printed/social media. The L&T involved in the illegal Mining at KhankahBagh Pampore

had been seized by the Department of Geology and Mining and released after heavy compounding of Rs. 56792= (Rupees fifty six thousand seven hundred and ninety two) vide G.R No. 1076905 dated 22/07/2024. Furthermore, an FIR had been lodged at P/S Pampore against the offender namely Shri Mohammad Maqbool Bhat S/o Ghulam Qadir Bhat R/o Patalbagh, by the Department of Flood control Division Kakapora for engaging L&T in the illegal mining of soil/sand at KhankahBagh.

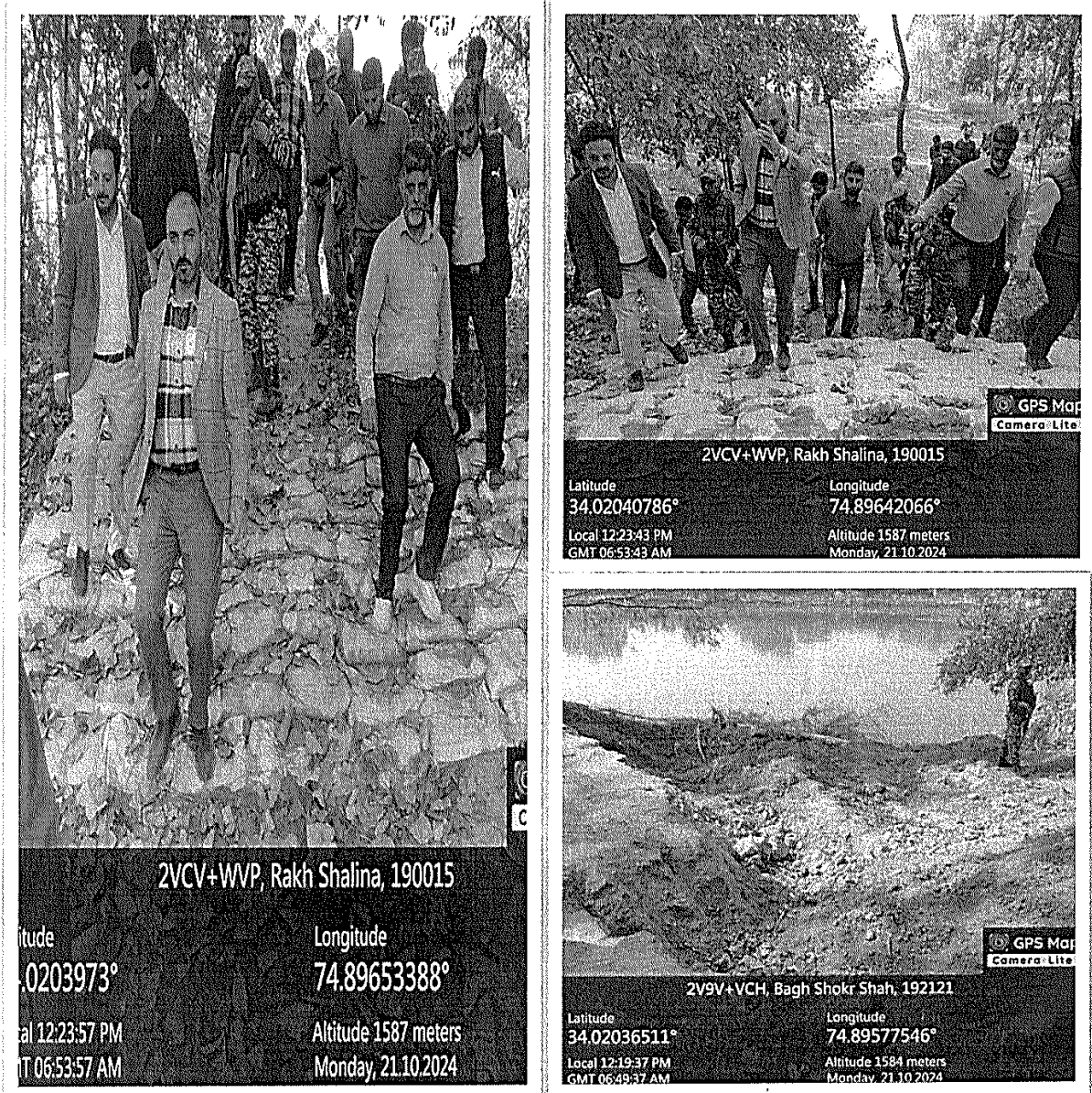
Furthermore, it was ensured that no mining of any sort takes place and the damaged portion of embankment was also strengthened by way of laying of earth filled bags. The attempt by the offenders to construct ramps in order to carry out their illegal activities was also closed, restoring the embankment to its original shape/position. The geo-tagged photograph of closure of ramps is enclosed herewith for kind perusal of the Hon'ble Tribunal.



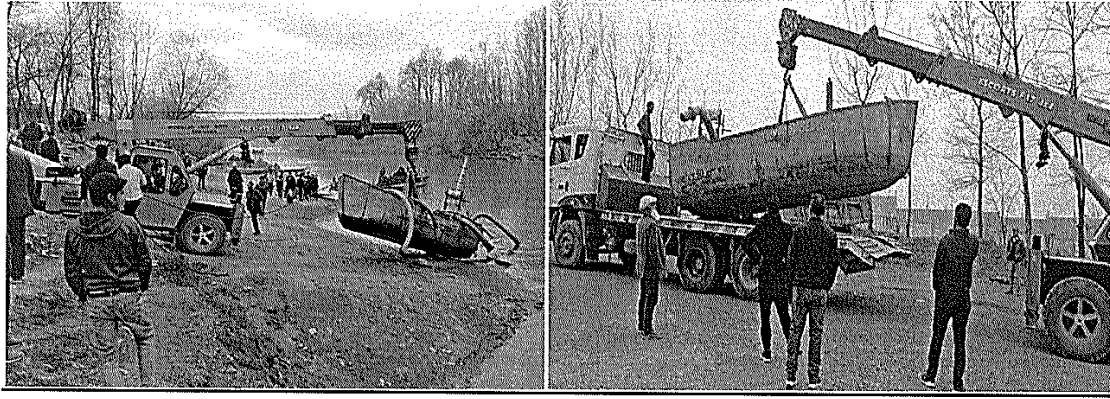
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In compliance to the order mentioned supra, the respondent no. 5 in the capacity of being the coordinating agency convened the visit of the Joint Committee excluding the representative of RO, MoEF & CC Chandigarh to the spot on 21st October, 2024, who could not participate in the joint venture on the scheduled date. It is not out of place to mention here that the said visit could not be convened earlier due to back to back elections in the UT of J & K. However, owing to the legal constraints and the timely submission of report before the Hon'ble NGT, the joint visit has been conducted as on the above mentioned date in the absence of the aforesaid representative. On spot inspection, it has been found that the said spot is approximately fifteen hundred metres (1500mtrs) away from the nearest habitation & there is found neither

mechanical nor manual mining activity going on at the mentioned spot in the jurisdiction of this district so far as the present scenario is concerned. The geo-tagged photographs depicting the joint spot inspection are enclosed herewith for the kind perusal of this Hon'ble Tribunal:



It is in place to mention here that several FIRs are lodged in the P/S Awantipora and Pampore against the illegal extractors/transporters of Barsoo, Kakapora, Pampore, Banderpora, Lelhara, Patalbagh and Awantipora. The Mechanized Boats involved in the commission of offence are being seized/capsized and the mechanised boats seized from Chersoo and Awantipora are still in the custody. The Compounding to the tune of **Rs 22.36 lacs** has been realized from the seizure of **93 vehicles** from **January 2024 till date** in and around the River Jhelum for the illegal extraction of sand. The geo-tagged photographs of seizure are enclosed



The line Departments work to the best of their capabilities and in strict adherence to the MMDR-Act 1957 and the Rules made thereunder, "J&K Minor Mineral Concession Storage, Transportation of Minerals and Prevention of Illegal Mining Rules, 2016" notified vide SRO-105 Dated: 31.03.2016". Stringent actions like lodging of FIRs, heavy pecuniary penalties and punishment for the offence as provided under Section 21, Section 23 A and Section 23 B of the Act for illegal mining under MMDR Act 1957 are taken. 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 religious institutions are made to curb the illegal mining activities in and around the river Jhelum. The Department of Geology and Mining is issuing the Disposal permissions for lifting of the accumulated sand from various spots of river Jhelum under S.O 599 dated 15th of November, 2022 (customary mining), thereby, providing sustainable livelihood to the inhabitants associated with this trade since so many years and providing availability of construction material for various developmental activities.

The department of Irrigation and Flood control, Division Kakapora is also very keenly taking up the issue of illegal extraction and is continuously taking necessary action against the offenders who are found involved in illegal extraction by filing of challans under JKSWRRA Act 2010. During the last three years, the area has not got inundated during the floods declared and the embankment is safe to carry the flood discharge. There is no breach anywhere in the stretch of 3085 mts between Khankahbagh and EDI Sempora Pampore.

The measures adopted by the line departments already projected hereinabove are the possible remedial measures which are found effective in curbing the illegal menace of sand mining and remedying the ecological imbalance tended to be created by the sand mafia. As such, the report is hereby submitted before the Hon'ble Green Tribunal as desired.

1. Pollution Control Committee
through its Member Secretary,

2. District Magistrate
Pulwama