

**BEFORE THE NATIONAL GREEN TRIBUNAL**  
**PRINCIPAL BENCH SITTING AT NEW DELHI**  
**ORIGINAL APPLICATION NO. 241 OF 2021**

**IN THE MATTER OF:**

RAJA MUZAFFAR BHAT

...APPLICANT

VERSUS

UNION OF INDIA AND OTHERS.

...RESPONDENTS

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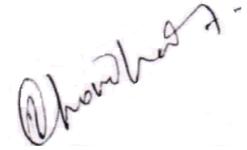
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THROUGH



**RITWICK DUTTA**



**RAHUL CHOUDHARY**

**ADVOCATES**

N-71, LOWER GROUND FLOOR, GREATER KAILASH-I

NEW DELHI-110048

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Email: [litigation.life@gmail.com](mailto:litigation.life@gmail.com)

**Place:** New Delhi

**Date:** 16.08.2022

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PRINCIPAL BENCH SITTING AT NEW DELHI  
ORIGINAL APPLICATION NO. 241 OF 2021**

**IN THE MATTER OF:**

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**RESPONSE TO THE ACTION TAKEN REPORT OF THE CHIEF  
SECRETARY OF JAMMU AND KASHMIR DATED 24.06.2022.**

**MOST RESPECTFULLY SHOWETH:**

1. The Applicant had filed the above Application under Sections 14, 15 read with Section 20 of the National Green Tribunal Act, 2010 to highlight the non-compliance of the provisions of the enactments specified in Schedule I of the Act raising the 'substantial question relating to the environment' as defined under Section 2(m) of the Act, arising out of the large scale pollution caused by discharging untreated sewage as well as dumping of municipal solid waste unscientifically in river Doodh Ganga and Mamath Kull, in Srinagar and Budgam Districts, Jammu and Kashmir.
2. That by order dated 08.03.2022, this Hon'ble Tribunal has specifically directed the Chief Secretary of Jammu and Kashmir to take remedial action to remedy the situation:

*13. In view of above acknowledged failure of the State, **we direct the Chief Secretary, J&K to take immediate remedial action to remedy the situation by ensuring clean environment and also taking coercive measures against the erring irresponsible officers, acting in contempt of directions of the Hon'ble Supreme Court***

***and this Tribunal and causing detriment to the environment and public health.***

...

*15. An action taken report may be filed before the Tribunal by the Chief Secretary personally, after interaction with the concerned officers within three 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. The report may specify status of facilities to treat sewage as well as fecal sludges, protection of flood plain, lifting of waste from the banks of Doodh Ganga and Mamath Kull to the identified sites and processing it as per MSW rules, cow dung management and other associated issues."*

In this regard, an Action Taken Report dated 24.06.2022 has been filed by the Chief Secretary of Jammu and Kashmir. The Applicant herein is making following submissions to the report:

- a. That Para 8 (iv) of the report states that the recommendations made by the Joint Committee before this Hon'ble Tribunal with regard to sewerage management are being addressed with the establishment of STPs, laying of sewerage network and connections and treatment of waste water. The Applicant herein submits that as per the Joint Committee Report recommendations were made with regard to the formulation of Short Term and Long Term Action Plan to be prepared by the respective Departments, responsible agencies for sewage management. That the as a short term action plan, the Committee recommended the installation of Modular STPs, however, till date no necessary action has been taken with regard to the compliance on the installation of Modular STPs and the discharge of sewerage into the Doodhganga is still

persistent in complete violation of the orders of this Hon'ble Tribunal.

- b. That in Para 8 (xii) the report states that the Municipal Committee Chadoora has taken necessary action on solid waste management and the waste scattered on the banks of Nallah Doodh Ganga has been removed. That about 90 MTs of legacy waste has been removed from the banks of Doodh Ganga and at present there is no waste lying on the banks of Doodh Ganga. The Applicant here submits that in rural areas like Hanjigund, Balpora, Wathoora, Gopalpora, Kralpora and Mochwa which are located near the banks of River Doodh Ganga, downstream of Chadoora town, mounds of wastes are lying scattered. That the Mission Director, Swachh Bharat Mission Gramin (SBM-G) has miserably failed to utilize funds provided to them by Union Ministry of Drinking Water and Sanitation. Thus, the Rural Development Department needs to be directed to take prudent necessary action on the same. The Applicant further submits that the Solid waste is lifted from the banks of Doodh Ganga and also from Chadoora town and is taken to Chanapora Bypass Bridge which is few meters away from the embankments. That Chanapora Bypass Bridge is been made the garbage collection point. In this regard, the Applicant submits that the collection point should be made at a distant area from the river embankment. That the Srinagar Municipal Corporation is required to treat the waste as per the Solid Waste Management Rules, 2016 and shall close the collection point at Chanapora Bypass Bridge near Doodh Ganga.

Copies of the images taken by the Applicant shows old wastes are still scattered and got deposited under the soil at the rural areas like Shahpoora, Wathoora and also the garbage collection point at

Chanapora Bypass Bridge nearby Doodh Ganga River on 19.07.2022 are annexed as **Annexure A/1.**

- c. Para 8 (xxiii) of the Report states that the Mining Department has given an undertaking that at present no illegal mining is taking place. This submission made by the Mining Department as recorded in the Action Taken Report of the Chief Secretary is completely false and erroneous. The Applicant here submits that till date, despite specific directions of this Hon'ble Tribunal, large scale illegal mining is going on in River Doodh Ganga in the upstream and downstream of Chadoora town. JCBs are been used for deep illegal mining. That the constant illegal mining is causing large scale soil erosion around Chadoora town as a result of which the embankments of Doodh Ganga has weakened and is eroding gradually thereby causing persistent environmental degradation. The Applicant further submits that as per the earlier report dated 14.01.2022 submitted by Housing and Urban Development Department in this matter, Para C titled 'Regulation of Mining Activities' categorically states that *'the extraction is limited upto 1 meter depth as per the approved mining plan'* but presently the mining is taking place up to 10 meters (approx.) deep inside the river which is much beyond what has been approved thereby posing great threat ultimately leading to soil erosion. The Applicant further submits that illegal mining is taking place at night in complete violation and the same has been physically witnessed by the Applicant on 18.07.2022 at 9 pm. Furthermore, it is also pertinent to note that Rule 4 (iv) of the Jammu and Kashmir Minor Mineral Concession, Storage, Transportation of Minerals and Prevention of Illegal mining Rules, 2016 say that mining shall take place beyond 10 meters from any embankment, however, there is a clear violation in this regard, as same is not being complied. It is

also significant to note that as a result of large-scale illegal mining, the water of river Doodh Ganga is getting extremely muddy causing siltation and eventually posing threat to the Hokersar Wetland where River Doodh Ganga meets. The Hokersar Wetland has been declared as a Ramsar Site and such illegal mining activities are eventually causing persistent environmental degradation both in Doodh Ganga and Hokersar Wetland. That despite being penalized by this Hon'ble Tribunal and paying a compensation of Rs. 1 crore, the illegal mining persists.

Copy of the images taken by the Applicant on 18.07.2022 shows the illegal mining is still taking place at River Doodh Ganga near Chadoora town with the help of JCBs as a result of which embankments are eroding due to soil erosion. are annexed as

**Annexure A/2.**

- d. Further, it is penitent to note that due to the persistent illegal mining which is being taken place in Doodh Ganga causing degradation of the ecology, the Wildlife Warden, Wetlands Division Kashmir issued a notice dated 22.07.2022 to the Irrigation and Flood Control Department to take immediate action against the illegal mining in Doodh Ganga:

***"...this office came to know that deep (approximately 10 Meters) illegal mining is going on with the help of JCBs, tippers and tractors in Doodh Ganga Nalla during day and night that too without following environmental guidelines in vogue. It is worthwhile to mention that Doodh Ganga Nalla is the main feeding channel to 'Hokersar Wetlands Conservation Reserve' spread over an area of 1354 Hectares which is a Ramsar site of international importance and is also known as Queen of Wetlands. Excessive extraction of illegal mining will badly affect not only the flow***

*and quality but also other characteristics of the said Wetland Reserve.”*

A Copy of the notice dated 22.07.2022 sent by the Wildlife Warden, Wetlands Division Kashmir to the Irrigation and Flood Control Department is annexed herewith as **Annexure A/3.**

- e. That the Applicant in this regard also submits that Geology and Mining Department of Kashmir has categorically issued directions and clarifications regarding the monsoon period in light of the Kashmir Climate which states that the 'Normal date of Onset of South-West Monsoon' is 1<sup>st</sup> July and the 'Normal date of Withdrawal of South-West Monsoon' is 15<sup>th</sup> September in UT of Jammu and Kashmir as defined by Indian Meteorological Department (IMD) Nagpur vide letter dated 18.01.2016 for each States to adhere with. Furthermore, the Government of Jammu and Kashmir, Directorate of Geology and Mining has also issued a Circular dated 02.08.2022 which referred to Para 8.1 (vii) of Enforcement & Monitoring Guidelines for Sand Mining, 2020 by the MoEF&CC which deals with the 'Pre-requisite for starting Sand Mining operation' and specifically states that *"there shall be no river bed mining operation allowed in monsoon period. The period as defined by IMD Nagpur for each state shall be adhered with"*. Thus, the mining taking place in River Doodh Ganga is completely in violation to the 2020 Guidelines and the Office Orders of the Geology and Mining Department, Srinagar.

A Copy of the Order dated 15.07.2022 of the Geology and Mining Department, Srinagar is annexed herewith as **Annexure A/4.**

A Copy of the Circular of Directorate of geology and Mining, Jammu dated 02.08.2022 is annexed herewith as **Annexure A/5.**

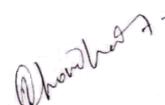
- f. That this Hon'ble Tribunal *vide* order dated 08.03.2022 has specifically directed:

*"13. In view of above acknowledged failure of the State, we direct the Chief Secretary, J&K to take immediate remedial action to remedy the situation by ensuring clean environment and also taking coercive measures against the erring irresponsible officers, acting in contempt of directions of the Hon'ble Supreme Court and this Tribunal and causing detriment to the environment and public health."*

That Applicant here submits that despite specific direction from this Hon'ble Tribunal, the report of the Chief Secretary dated 24.06.2022 shows no mention about what coercive measures has been taken against the erring irresponsible officers who not only failed to comply with the laws and directions of the Tribunal but also placed false records before this Hon'ble Tribunal in dealing with illegal mining activities caused in River Doodh Ganga.

3. Thus, in light of the above submissions as well as the facts stated in the report of Chief Secretary, it is clear that the due to the nonchalant attitude of the State respondents there persists large-scale illegal mining in Doodh Ganga River in complete violation of the law and earlier directions of this Hon'ble Tribunal. Thus, necessary actions must be taken against the erring officials for their lackadaisical approach and placing false records before this Hon'ble Tribunal in dealing with illegal mining activities caused in River Doodh Ganga. Hence, the Hon'ble Tribunal may pass appropriate order considering above submissions of the Applicant.

Through

**RITWICK DUTTA RAHUL CHOUDHARY  
ADVOCATES**

N-71, LOWER GROUND FLOOR, GREATER KAILASH-I  
NEW DELHI - 110048

**ANNEXURE A/1**

**Copies of the images taken by the Applicant shows old wastes are still scattered and got deposited under the soil at the rural areas like Shahpoora, Wathoora and also the garbage collection point at Chanapora Bypass Bridge nearby Doodh Ganga River on 19.07.2022.**





2RG5+3MM, Lalnagar, Chanpora, Srinagar, 190019

*Srinagar*

28°C

82°F

2022-07-19(Tue) 11:17(am)

**ANNEXURE A/2.**

**Copy of the images taken by the Applicant on 18.07.2022 shows the illegal mining is still taking place at River Doodh Ganga near Chadoora town with the help of JCBs as a result of which embankments are eroding due to soil erosion.**

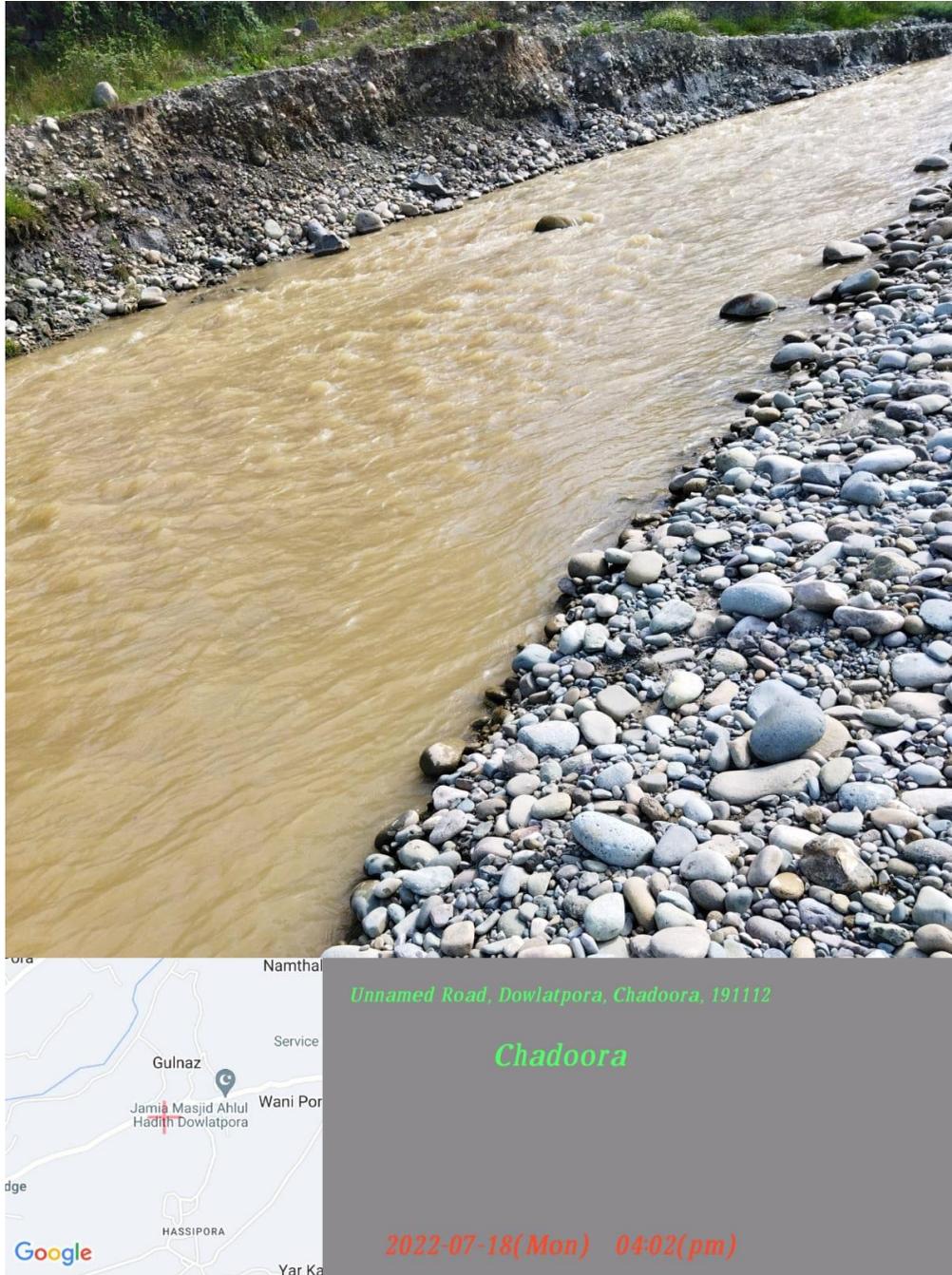


*Unnamed Road, Dowlatpora, Chadoora, 191112*

**Chadoora**

**2022-07-18(Mon) 03:51(pm)**

**Image showing that as a result of large-scale illegal mining, the water of river Doodh Ganga is getting extremely muddy causing siltation and eventually causing degradation.**

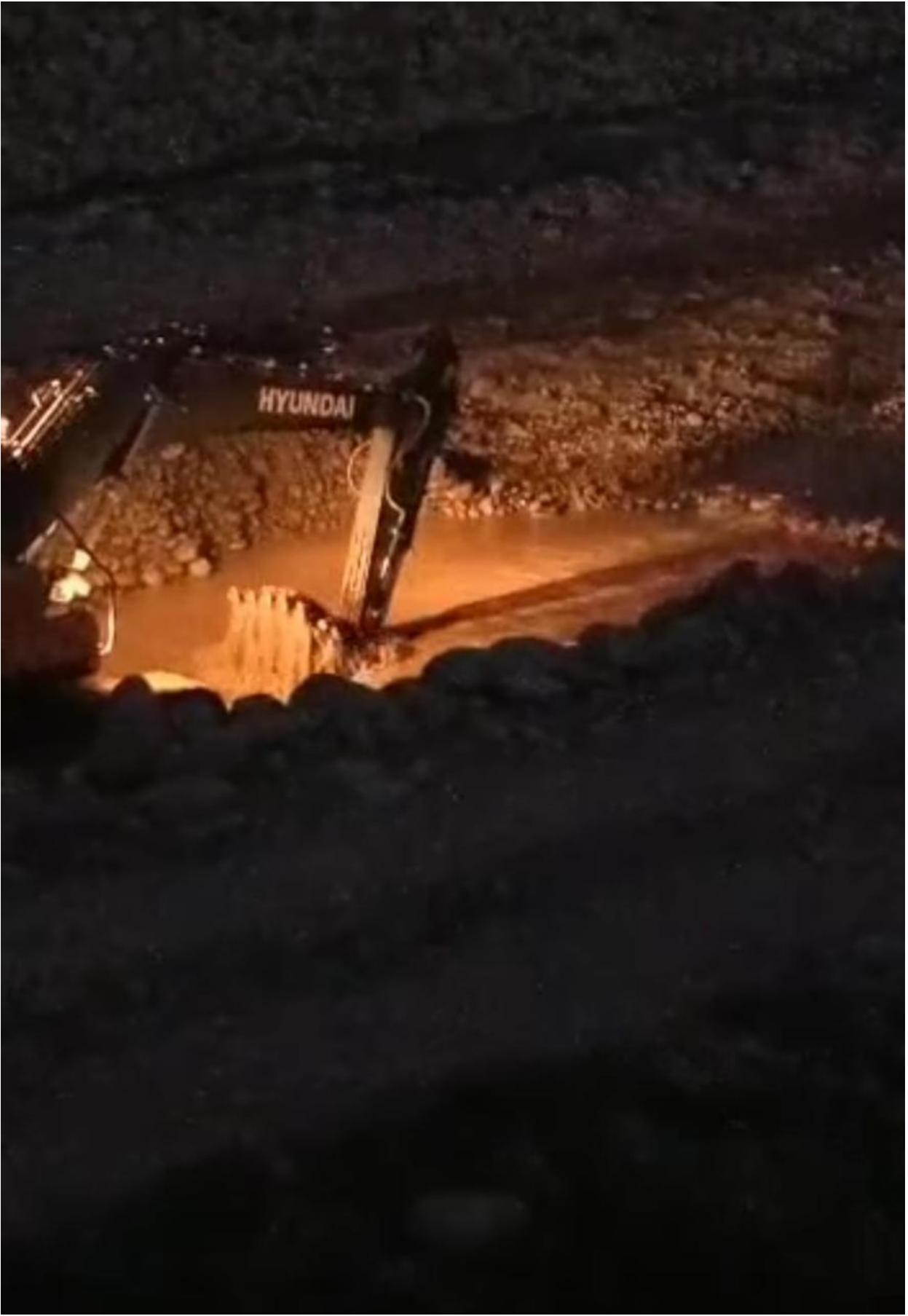




*Unnamed Road, Dowlatpora, Chadoora, 191112*

## *Chadoora*

*2022-07-18(Mon) 04:10(pm)*





Office of the  
**Wildlife Warden, Wetlands Division, Kashmir**  
Srinagar  
\*\*\*\*\*

e-mail: [hokersarwetland@gmail.com](mailto:hokersarwetland@gmail.com)

14

**Annexure A-3**

The Executive Engineer,  
Irrigation & Flood Control Department  
Flood Spill Channel, Narbal

No:- WLW (WL)/Estt/2022-23/697-99

Dated:- 22-07-2022

Subject:- Illegal Mining in Dood Ganag Nalla,

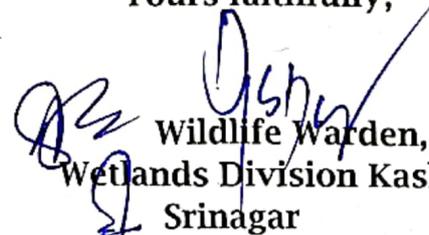
Sir,

Apropos the subject matter captioned above, it is to bring your kind notice that from reliable sources, this office came to know that deep (Approximately 10 Meters) illegal Mining is going on with the help of JCB's, tippers and tractors in Dood Ganga Nalla during day and night that too without following environmental guidelines in vogue. It worthwhile to mention here that Dood Ganag Nalla is the main feeding channel to "Hokersar Wetlands Conservation Reserve" spread over an area of 1354 Hectares' which is a RAMSAR site of international importance and every year during winters, millions of Migratory birds from different parts of the world visit this precious wetland which is also known as Queen of Wetlands. Further, excessive extraction of mining will badly affect not only the flow and quality but also other characteristics of the said Wetland Conservation Reserve.

In context of the above and in compliance to the directions of National Green Tribunal it is as such requested that mining activities in the Doodganga Nalla may kindly be regulated as per guidelines of Wildlife Protection Act 1972, Forest Conservation Act, Environment Protection Act & Wetland Conservation Rules .

Hope, an early action in this regard is solicited, please.

Yours faithfully,

  
Wildlife Warden,  
Wetlands Division Kashmir  
Srinagar

**Copy submitted for information to:**

1. The Regional Wildlife Warden, Kashmir Region Srinagar for information please.
2. Copy to Range Officer, Lakes Range-Hokersar for information. He is directed to monitor the mining activities carried out in Dood Ganga Nalla.

The DMO Kulgam,  
Geology & Mining Department,  
Kashmir.

No:- MSK/DGM/SGR/F-43-II/ 1419-29 Dated: - 15 .07.2022.

Sub:- Direction / Clarification required regarding Monsoon Period in light of  
Kashmir Climate.

Sir,

Refer your office letter No. DMO/KUL/DGM/167, dated: 01.07.2022,  
regarding the above captioned subject. In this context I am directed to  
enclose here with the communication of Indian Meteorological Department,  
Nagpur vide No. NAGPURRMC/CS-312 dated 18<sup>th</sup> January 2016 regarding  
normal dates of onset and Withdrawal of Southwest Monsoon over India  
as State-wise and Union Territory for your information.

Encls: 02 Lvs

Yours faithfully,

  
15.7.2022  
Mineral Officer Kashmir,  
Geology and mining Deptt,  
Srinagar.

Copy to the:-

1. Director, Geology and Mining J&K Jammu for kind information.
2. District Mineral Officer, Shopian for information. This is reference to  
your office letter No.DMO/DGM/SPN/284-85, dated: 14.07.2022.
3. District Mineral Officer, Pulwama/ Anantnag/ Srinagar/ Budgam/  
Baramulla/ Kupwara/ Ganderbal/ Bandipora for information.

The India Meteorological Department, Nagpur, vide letter No. NAGPUR RMC /CS-312, dated 18<sup>th</sup> January, 2016 has provided the period of Rainy Season viz. Normal dates of Onset and Withdrawal of Southwest Monsoon over India as state-wise and union territory-wise which are as below:-

States	Normal date of Onset of SW-Monsoon	Normal date of Withdrawal of SW-Monsoon
Andhra Pradesh	1st June	15th October
Arunachal Pradesh	5th June	15th October
Assam	5th June	15th October
Bihar	10th June	15th October
Chhattisgarh	10th June	15th October
Goa	5th June	15th October
Gujarat	15th June	15th September
Haryana	1st July	15th September
Himachal Pradesh	1st July	15th September
Jammu & Kashmir	1st July	15th September
Jharkhand	10th June	15th October
Karnataka	5th June	15th October
Kerala	1st June	15th October
Madhya Pradesh	15th June	1st October
Maharashtra	10th June	1st October
Manipur	1st June	15th October
Meghalaya	1st June	15th October
Mizoram	1st June	15th October
Nagaland	5th June	15th October
Odisha (Orissa)	5th June	15th October
Punjab	1st July	15th September
Rajasthan	1st July	1st September
Sikkim	5th June	15th October
Tamil Nadu	1st June	15th October
Telangana	5th June	15th October
Tripura	1st June	15th October
Uttar Pradesh	15th June	1st October
Uttarakhand	15th June	1st October
West Bengal	10th June	15th October

<b>Union territory</b>	<b>Normal date of Onset of SW-Monsoon</b>	<b>Normal date of Withdrawal of SW-Monsoon</b>
Andaman and Nicobar Islands	20th May	15th October
Dadra and Nagar Haveli	10th June	1st October
Daman and Diu	10th June	1st October
Lakshadweep	1st June	15th October
Delhi	1st July	15th September
Puducherry	1st June	15th October

\*\*\*

**Annexure A-5****Government of Jammu and Kashmir (UT)  
Directorate of Geology and Mining, Jammu.****C I R C U L A R**

In reference to the Enforcement & Monitoring Guidelines for Sand Mining issued by Ministry of Environment, Forest and Climate change January, 2020 (Para 8.1 (vii) **{Pre-requisite for starting sand mining operation}**), it is impressed upon all Minor Mineral Mining Lease holders to refrain from undertaking any mining activities during monsoon period which has been defined by Indian Meteorological Department (IMD), Nagpur vide letter No. NAGPUR RMC/CS-312 dated 18<sup>th</sup> January, 2016 for each State/UT (Appendix: Table-9). The date for onset and withdrawal of south-west monsoon in respect of Jammu and Kashmir (UT) has been notified as 1<sup>st</sup> July to 15<sup>th</sup> September respectively.

Any violation of the aforementioned guidelines would invite penal action and penalty as provided under Rules shall be imposed upon the violators.

All District Mineral Officers shall ensure strict implementation of the said guidelines and take stern action against the violators as warranted under norms.

No.59/MCC/DGM/CIRCULAR/15/3575-8/  
Dated: - 2 .08.2022.

**Director**  
Geology & Mining  
J&K(UT) Govt; Jammu

2/08/2022

**Copy to the:-**

1. Secretary to the Govt., Department of Mining, Civil Secretariat, Jammu/Srinagar for kind information.
2. Director Ecology, Environment & Remote Sensing Department/ Member-Secretary(JKEIAA) Jammu for kind information.
3. All Deputy Commissioner, J&K (UT) for information.