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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)/ ParyavaranBhawan, Transport Nagar, Gladni, Jammu-180006 (Nov-Apr)

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**RECORD NOTE OF THE 42<sup>nd</sup> MEETING OF  
JK ENVIRONMENT IMPACT ASSESSMENT AUTHORITY  
HELD ON 12 JUNE, 2021 AT 1100 HRS. (THROUGH VIDEOCONFERENCING)**

In pursuance to the Minutes of the 43<sup>rd</sup> Meeting of JK Expert Appraisal Committee held on 31<sup>st</sup> May, 2021 conveyed vide endorsement No. EAC/JK/20/7684-696 dated 10-06-2021, the 42<sup>nd</sup> Meeting of JK Environment Impact Assessment Authority was held on 12<sup>th</sup> June, 2021 through video conferencing.

The following attended the meeting:-

- |  |                          |
|--|--------------------------|
| 1. Mr. Lal Chand, IFS(Retd.)                       | Chairman, JKEIAAA        |
| 2. Er. Nazir Ahmad(Retd. Chief Engineer)           | Member, JKEIAA           |
| 3. Dr. Neelu Gera, IFS,Pr.CCF/Director, EE&RS, J&K | Member-Secretary, JKEIAA |

Following are the deliberations & decisions of the meeting:-

**AGENDA ITEM NO.01**

Grant of Environment Clearance in favour of Shri Mohammad Maqbool Mir S/O Shri Mohammad Sultan R/O Waskura, District Ganderbal JK UT for River Bed Mining Project of Minor Mineral at Wussan Bridge To Chinnar Upstream Brahmamsar Nar, Block No. 08, Area 5.0 HA. Village: Wussan, Tehsil Kangan District Ganderbal, JK UT under Proposal No. SIA/JK/MIN/189415/2020

**Deliberations:**

The project has been discussed/appraised in the JKEAC Meeting. The consultant has given a detailed presentation, during which the forum was informed that the case falls under B2 category as mining block area is 5ha. The G&M Dept. granted letter of intent in favour of the project proponent on 20-07-2020 at a bid value of ₹ 104.70 lakhs and project cost being ₹ 168.32 lakhs. The mining plan was approved for the project on 24-08-2020. The deliberations were made on various aspects of the project like; mining depth, replenishment, surface plan and haulage route. The consultant presented the cluster certificate issued by the DMO concerned. It was found that the cluster certificate indicates presence of an unauctioned mining block No.09/ Kangan within 200m from the instant mining block. The Secretary informed that since the district-wise KML files emailed by the Geology & Mining Dept. recently did not show any mining block No.09/Kangan in the district wise KML files of Ganderbal district, a clarification has been sought from the Director, G&M on this aspect. The mining block was examined on multirate Google Earth image platform using the KML file of the mining block emailed by the consultant and KML/KMZ files of blocks of Ganderbal district email by Director, G&M Dept. earlier. Therefore, the Committee opined that necessary clarification needs to be obtained from the G&M Dept. to the effect that no mining block lie within 500m from the instant mining block. The clarification from Joint Director Geology & Mining Dept. (Kashmir) was received by email when the meeting was still in session. The clarification says that Minor Mineral Block No.09 of District Ganderbal lying at a distance of 200 m from the mining Block No.08 has not been considered/taken up for e-auction due to some

reservations by Fisheries Dept. Further, it is clarified that Minor mineral block No.08 lies at a distance of 3.36 kms from the nearest e-auctioned Minor mineral Block No.10. The Committee further observed features indicative of illegal mining inside the mining block especially on latest available Google Earth Image of June 2018. Besides, a few stone crushers were also observed in the close vicinity of the mining block. Since, latest Google Image of any date after the issuance of Lol is not available; it is difficult to find whether the mining activity is still going on in the mining block without a valid EC in contravention to existing legal regime. Therefore, the Committee desired that the G&M Dept. should constitute an interdepartmental Committee with members from G&M Dept., Irrigation & Flood Control Dept., Fisheries Dept., the Soil Conservation Dept. and the local Police to fix responsibility for the illegal mining activity in and around the mining block site in the past as visible on the Google satellite images after recording statement of the Panchayat representatives. The report substantiated with site photographs indicating date and time of photography should also indicate whether the illegal mining activity continued even after the issuance of Letter of Intent in July, 2020 and if so, whether the PP is involved in it directly or indirectly for appropriate action in the matter.

The consultant presented NOCs from the stake holder departments. It was observed that the Irrigation & Flood Control Dept. has not issued any NOC while as the NOC issued by Fisheries Dept vide No. 2081-83 dated 26-02-2021 says that the mining activity should not be allowed in the months of May and June as it being the breeding season of Carp and Schizothorax species. The Committee also observed that the consultant has provided ₹ 17.80 lakhs under EMP budget with CER budget of ₹ 3.31 lakhs.

In view of the above deliberations, the Committee rejected the case in the present form and desired that the PP should be asked to obtain clarification from an authorized officer not below the rank of Joint Director, Geology & Mining Dept. to the effect that no mining block shall be auctioned within 500m from the mining block No.08 as the auction of mining block No.09 has been shelved due to objection from the Fisheries Dept. as stated in the emailed communication. The Project proponent shall also submit photographs and detailed video showing the existing riverbed condition adjacent to the stone crusher lying between pillar D and E and upstream from this point and a categorical certificate from the DMO concerned that he is not involved in any mining activity in the designated mining block No.08. The case shall be listed as and when the additional details sought are received from the PP. In the meantime, the Director, G&M may be asked to constitute a joint inspection committee in accordance with the above deliberations to fix responsibility for the illegal mining in the area besides, intimating whether the illegal mining has continued in the mining block even after issuance of the Lol in 2020 in favour of the PP, and If yes, then responsibility may be fixed.

**Decision:**

The Authority upheld recommendations of JKEAC to reject the case in the present form, with the directions that the project proponent can apply afresh after fulfilling following conditions:

1. That the project proponent obtains a clarification from an authorized officer of Geology & Mining Dept., not below the rank of Joint Director to the effect that no mining block shall be auctioned within 500m from the mining block No.08 in view of observations made by the JKEAC.
2. That the Project proponent submits photographs and video recording of existing riverbed condition adjacent to the stone crusher lying between pillar D and E and upstream from this point and a categorical certificate from the DMO concerned that

the Lol holder/project proponent is not involved in any mining activity in the designated mining block No.08.

The JKEIAA further upheld the recommendation of JKEAC that Director, G&M shall constitute a joint inter-departmental inspection committee in accordance with deliberations of JKEAC to fix responsibility for the illegal mining in the area, if any, and intimate whether illegal mining continued in the mining block even after issuance of the Lol in 2020 in favour of the project proponent and responsibility thereon may also be fixed.

#### **AGENDA ITEM NO.02.**

Grant of Environment Clearance in favour of Shri Sanchit Gautam S/o Shri Ravi Gautam R/O Nagrota, Near Toll Post, Jammu, JK UT for Minor Mineral (River Bed Material) Project at Block No. 1/13, (Area-9.98 ha.) Devak River Downstream NH 1A Bridge, Samba Village- Phulpur, Tehsil Vijaypur, District- Samba. JK UT under Proposal No. SIA/JK/MIN/58886/2019.

#### **Deliberations:**

The project has been discussed/appraised in the JKEAC Meeting. The consultant has given a detailed presentation, during which the forum was informed that the project had previously been represented by Overseas MinTech Consultants as a transfer case falling within the preview of G.O No.76-FST of 2020 and all documents stand uploaded by that consultancy on the *Parivesh* portal. However, Forum was informed that the project proponent had recently changed the consultant and hired ASERIES ENVIROTEK INDIA PVT. Ltd. for presenting the case. The Forum was also informed that necessary documents have been uploaded again on the portal with signatures of the new consultant and their hardcopies shall be submitted in the office of JKEIAA before grant of EC. The Committee was further informed that the case had earlier been deliberated during the 24<sup>th</sup> JKEAC meeting, during which the Committee had observed that the joint inspection team framed by the stake holder departments had reported that the land under the mining block 1/13 Devak is disputed between State, Forest and the Custodian Departments and the Committee had recommended as under:

The project proponent be asked to get the state land in the mining block properly demarcated by excluding the forest land and the Custodian land in accordance with joint inspection report of the stake holders. The Committee further recommended that the project proponent be also asked to get the baseline data/test reports issued by M/S Overseas Test House & Research Centre Pvt. Ltd. NABL Accredited Laboratory, Jaipur authenticated by JKPCB. Besides, Project Proponent be asked to incorporate factual land- use map within 10 kms radius of the project site correctly mapped with correct statistics generated. The NOC's from the concerned stakeholder departments be also obtained. Once, this is done, the PP may submit the updated documentation to JKEIAA for further consideration'.

The Committee was informed that the Office had received an emailed complaint from one Mr. P.K.Sahi (Advocate) Paryavaran Shakti Foundation, New Delhi in which allegations had been levelled against authenticity of the baseline data. Subsequently, the Committee had asked the former consultant to get the baseline data authenticated from JKPCB and when he failed to do so, the matter, among other similarly situated cases came under discussion in the 34<sup>th</sup> and 35<sup>th</sup> JKEAC meetings which finally resulted in initiation of action against the former consultant and engagement of new consultant by the PP in this project as well. The Consultant informed that she has uploaded the actual test reports of the baseline data collected by the previous PP viz. Shri Rakesh Kr. Chaudhary and issued by M/S Ultra Testing and Research Laboratory, Noida, UP. against the allegedly fake test reports submitted by the previous consultant M/S

Overseas Mintec Consultants, Jaipur. She was asked whether the land in question under the said mining block has been demarcated jointly by the stake holder departments in accordance with recommendations of the Committee made during the 24th JKEAC. But she was not able to present any compliance on this aspect and therefore the Committee opined that unless the new consultant complies with the recommendations made by the committee in its 24th meeting, the case cannot be considered for further deliberations.

In view of the above deliberations, the Committee recommended that the consultant be asked to submit report based on demarcation of the mining block by officers of Forest Dept., Revenue Dept. and the Custodian Dept. in accordance with joint Inspection Report conducted by the stake holder departments of the district, besides, other compliances, in accordance with the recommendations made by the Committee in its 24th meeting held on 19-01-2021 other than recommendation relating to baseline data, as actual test reports of former PP have now been submitted by the new consultant. Till then, the appraisal process is deferred and the project rejected in the present form.

**Decision:**

The Authority agrees with the recommendations of JKEAC that the case is rejected in the present form. However, the project proponent can apply afresh after fulfilling following conditions:

1. Submission of report based on demarcation of the mining block by officers of Forest Dept., Revenue Dept. and the Custodian Dept. in accordance with joint Inspection Report conducted by the stake holder departments of the district.
2. Submission of other compliances in accordance with the recommendations made by JKEAC in its 24<sup>th</sup> meeting held on 19-01-2021 other than recommendation relating to baseline data as actual test reports of former PP have now been submitted by the new consultant.

**AGENDA ITEM NO.03.**

Grant of Environment Clearance in favour of Shri Ramesh Kapoor S/O Shri Ram Rakha Mal Kapoor R/O-Main Bazar, Samba, JK UT for "Minor Mineral Block" (River Bed Material)" at Block No.2/1 Basantar River Downstream NH1A Bridge, Tehsil & Distt-Samba, JK U.T. (Area-9.99 Ha). under Proposal No. SIA/JK/MIN/59534/2020.

**Deliberations:**

The case has been discussed in the JKEAC Meeting. The project was represented by Shri Ishan Kapoor-son of the project proponent Shri Ramesh Kapoor and Shri Ankur Sharma from COGNIZANCE RESEARCH INDIA PRIVATE LIMITED GT-20, Sector-117 Noida. The Secretary informed the members that during 25th JKEAC meeting when the case was listed for grant of Terms of Reference, the office had received an emailed complaint from one Shri R.P Gupta wherein it had been alleged that illegal mining activity is going on in the mining block No. 2/1 Basantar which has created nuisance to the adjoining villages. The complainant had also submitted copy of letter No. 2485-90 dated 20-12-2018 from Asst. Commissioner, Revenue, Dist. Samba wherein, subsequent to a joint inspection, some reservations w.r.t mining in the area had been conveyed to the DMO, concerned. Further, the mining block had been examined on Google Earth platform using the KML file emailed by the consultant which had revealed features indicative of illegal mining activity. Subsequently, the Committee had recommended ToRs to the project for enabling the consultant to formulate the EIA/EMP reports and to conduct the Public

Hearing subject to condition that the Geology & Mining Dept. constitutes an inspection committee comprising of representatives of Irrigation & Flood Control Dept., Revenue Department, Soil Conservation Dept. and local Police for ascertaining and identifying the persons responsible for the illegal mining activity and subject to condition that the irrigation & Flood Control Department issues prior NOC for allowing mining activity in the block. The Consultant gave a detailed PowerPoint presentation on the project during which he informed that the Geology & Mining Dept. had sought a report from the concerned DMO w.r.t illegal mining activity and the DMO in his communication issued vide No.1119/MCC/DGM/DMO/SMB/21/798 dated 29-05-2021 and addressed to the Joint Director, G&M Dept. has mentioned that there is no report of illegal mining in Basantar river downstream NH1A at present. The consultant also presented the copy of NOC issued by the Executive Engineer, Irrigation and Flood Control Division Samba vide No. 2951-54 dated 09/03/2021. The Expert Appraisal Committee also observed that a complaint had again been received by email on 30/05/2021 with a video clipping from one Shri R.P. Gupta without giving his address and contact No. The video clipping was run to examine the claim. Mr. Ishan Kapoor, representing the PP, contested the authenticity of the video and claimed that the site under reference in the video is too far away from the actual mining block site. Another complaint was received during the proceedings of the current meeting on the agenda by one Shri Mohit Kumar without giving contact details and address which relate to a number of issues w.r.t submission of documentation relating to compliance of ToRs while preparing the EIA/EMP report etc. The Committee also observed the mining block again on the Google Earth platform but could not locate any nursery of the Soil Conservation Department there. Therefore, the Committee opined that the G&M Dept. had resorted to short cuts by not constituting the joint inspection committee as recommended by JKEIAA while issuing the ToR letter. The Committee also observed that lot of complaints about RBM in the area are also circulating in the social media and therefore opined that it would have been appropriate if a Sub-Committee could be constituted for obtaining ground report of what was happening in the area. But, Owing to COVID-19 related situation, the Committee decided that the Sub-Committee could be constituted in future when situation becomes conducive to conduct site visit. In the meantime, it was opined that the G&M Dept. shall be asked to immediately constitute the joint Inspection Committee to enquire into the complaints and to furnish the report as sought earlier while issuing the ToRs for the project. Till then, the Committee opined, the appraisal process cannot be taken forward.

In view of the above deliberations, the JKEAC recommended the case for rejection in the present form and made following recommendations for re- appraisal of the case by the Committee in future:

1. The JKEIAA may ask the Geology & Mining Dept. to convey the report of the interdepartmental Committee already recommended to verify the veracity of the complaints w.r.t the instant mining block and to fix responsibility for illegal mining as per the ToR letter issued by JKEIAA vide No. JKEIAA/2021/405/338-42 dated 24-02-2021. The copy of complaints may also be forwarded to the G&M Dept. for appropriate action.
2. The PP may be asked to obtain NOC w.r.t the reported nursery of Soil Conservation Dept. in the vicinity from the Soil Conservation Dept.
3. The complaints received by the JKEAC office may be forwarded to the Project proponent and consultant by JKEIAA for submitting a pointwise response to the issues raised in the said complaints with photographic and video-graphic evidence/proof.

4. The JKEIAA may ask the complainants by return email to approach the interdepartmental Committee hereby already recommended to be constituted by the Geology & Mining Department for the purpose.

**Decision:**

The Authority agrees with the recommendations of JKEAC that the case is rejected in the present form. However, the project proponent can apply afresh after fulfilling following conditions:

1. Submission of NOC from the Soil Conservation Dept with respect to the reported nursery of Soil Conservation Dept. in the vicinity.
2. Submission of a point-wise response with photographic and video-graphic evidence/proof to the issues raised in the complaints against the block under consideration. The complaints shall be forwarded to the Project proponent and consultant by Member Secretary for necessary action.

The Authority further agreed that the Geology & Mining Dept. be asked to convey the report of the inter-departmental Committee, already recommended, to verify the veracity of the complaints with respect to the instant mining block and to fix responsibility for illegal mining as per the ToR letter issued by JKEIAA vide No. JKEIAA/2021/405/338-42 dated 24-02-2021. The Authority also agreed to forward the copy of complaints to the G&M Dept. for appropriate action, with a copy to complainants for information.

The Meeting ended with the vote of thanks to the Chair,

Sd/-

Dr. Neelu Gera, IFS,  
Pr.CCF/Director, EE&RS, J&K  
Member-Secretary, JKEIAA

Sd/-

Er. Nazir Ahmad,  
(Retd. Chief Engineer)  
Member, JKEIAA

Sd/-

Mr. Lal Chand, IFS(Retd.)  
Chairman, JKEIAA

No: JKEIAA/2016/02/V/1520-24

Dated: 16/06/2021

Copy by email to:

1. Mr. Lal Chand, IFS (Rtd.), Chairman, JKEIAA, for information.
2. Er. Nazir Ahmad (Rtd. Chief Engineer), Member, JKEIAA, for information.
3. Dr. Neelu Gera, IFS PCCF/Director, EE&RS, Member Secretary, JKEIAA, for information.
4. The Secretary, JK Expert Appraisal Committee for information.
5. Website(s)

(Staff Officer)

to PCCF/Director/Member Secretary JKEIAA  
Ecology, Environment & Remote Sensing, J&K