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**Ministry of Environment, Forest & Climate Change, Govt. of India.  
J&K EXPERT APPRAISAL COMMITTEE**



Department of Ecology, Environment & Remote Sensing  
Paryavaran Bhavan, Gladeni, Transport Nagar, Narwal, Jammu Tawi (November-April)  
SDA Housing Colony, Bemina, Srinagar, Kashmir (May-October)  
Email: seacers@gmail.com, Website: www.parivesh.nic.in

**MINUTES OF MEETING**

**MINUTES OF 13<sup>th</sup> MEETING OF THE JK EXPERT APPRAISAL COMMITTEE  
HELD ON 05/09/2020 VIA VIDEO CONFERENCING OWING TO COVID-19  
OUTBREAK AND SUBSEQUENT LOCKDOWN**

**The following attended the sessions via video conferencing:**

1. Mr. S.C. Sharma, IFS(Rtd.)	Chairman
2. Mr. M.A Tak, IFS(Rtd.)	Member
3. Mr. B.B. Sharma	Member
4. Professor Arvind Jasrotia	Member
5. Professor Shakil Ahmad Romshoo	Member
6. Prof. M.A Khan	Member
7. Professor Anil Kr. Raina	Member
8. Mr. Humayun Rashid	Secretary

In pursuance to letter No: No: JKEIAA/2018/III/106/701 from the office of JKEIAA and meeting notice issued vide No: EAC/JK/20/ 1684-1711 dated: 22/08/2020 and subsequent notice issued vide No: EAC/JK/20/1826-53 dated: 03/09/2020, the 13th meeting of JKEAC was held on 05/09/2020 via video Conferencing. At the very outset, the Secretary, JKEAC welcomed the Chairman and members of the JKEAC to the virtual meeting which proceeded as per following sequence in view of deferring of cases from agenda 1 to 4 on the request of concerned consultant: -

**Agenda Item Nos: 05,06 and 07**

**Proposal Nos:** SIA/JK/MIN/51865/2020,  
SIA/JK/MIN/52027/2020 and  
SIA/JK/MIN/52028/2020

**Title of the Cases:** Grant of Terms of Reference for River Bed Material Area 8.0 Ha in Ujh River at Village-Jogyian, Tehsil-Nagri Parole & District-Kathua,

Grant of Terms of Reference for River Bed Material Minor Mineral Block Located In Ujh River at Village Jogyian Tehsil Nagri Parole & District Kathua Area of Block- 9.65 Ha.

**and**

Grant of Terms of Reference for River Bed Material Minor minor mineral block located in Ujh river at

village Jogyian tehsil Nagri parole & district Kathua area of block- 9.85 hectares.

### **Favouring**

Shri Paramjeet Singh, R/O 197-Jarai, P.O I.E Kathua, Dist-Kathua, State-Jammu & Kashmir.

#### **Deliberations:**

The cases was represented by project proponent Mr. Paramjeet Singh and Mr. Manas Vyas on behalf of the Consultant M/S P&M Solutions Noida (U.P). While the consultant was giving presentation on the project under agenda item 5, he was asked by the members to refer to the title verifications of all the three cases obtained by the Geology & Mining Department from the concerned district administration which depict ambiguity with respect to ownership of the land (mining blocks) which as per KML files lie in the centre of the Nallah, reported as Gair-mumkin Darya under various revenue khasra Nos. owned by persons other than the project proponent. The title verifications as referred in the scanned copy of letter of intents uploaded on the portal indicate that the actual owners have executed deed of 'Agreement to sell' in favour of the applicant in each case. The members pointed out that sale agreement can not substantiate a sale deed and is only a promise of future transfer of property ownership and not a proof of ownership in itself as per rules. The Dy. Commissioner, Kathua while according approval to the mining plans mentions that the approval is subject to obtaining and submission of proper authorization from the land owners. Since, then nearly a year has elapsed, by now, the sale deed should have been executed and put on record while submitting application for grant of environmental clearance. The project proponent has neither submitted copy of sale deed nor any authorization from the land owners to apply for mining of minor minerals on their behalf. The members referred to 3<sup>rd</sup> proviso to Rule 27 of the J&K Minor Mineral Concession Rules which read as under:

*'Provided also that where the minerals are not deposited in state the land, permission shall be granted to the owner of the (private land) or his authorized representative for mining /extraction only after fulfilling the criteria provided under the provisions of these rules.'*

The project proponent was asked to clarify his position on this count who informed the forum that he had recently obtained a power of attorney from the land owners which he would like to submit to the forum for consideration. Furthermore, pursuing the prefeasibility report and other documents submitted by the PP/ Consultant, it was observed that there is an irrelevant bunch of papers admixed which added more to the confusions. As such this needs to be sort out and documents be resubmitted in a chronological order.

#### **Recommandation :**

In view of lack of Clarity in ownership / authorization of the project proponent by land owners to go for mining activity, the Committee declined to grant ToRs unless the ownership or authorization of the project proponent to extract minor minerals on the land owned by persons other than the project proponent is clearly established. The committee recommended that the case be resubmitted to the JKEIAA for directing the PP to submit copy of title verification issued by the Dy. Commissioner, Kathua and attested copy of sale deed if any executed before the competent authority or authorization by way of irrevocable power of attorney from the land

owners duly executed before 1st class judicial magistrate stating therein that the owners authorize the project proponent to extract minor minerals from the private land owned by them under khasra Nos. so and so over the period of proposed mining lease. Also, the case documents be resubmitted maintaining a proper chronological order. The recommendations are made with respect to all the three cases filed by Shri Paramjeet Singh under agenda 5, 6 and 7.

**Agenda Item No: 08**

**Proposal No:** SIA/JK/MIN/51825/2020

**Title of the Case:** Grant of Terms of Reference for River Bed Material in downstream of Ravi River at Village-Tarf Tajwal, Tehsil & District-Kathua area 9.98 ha favouring Mr. Bhanu Pratap Singh R/O Tarrah Tehsil & District Kathua.

**Deliberations :**

The case was represented online by the project proponent Shri Banu Pratap and the consultant Mr. Manas Vyas on behalf of the Consultant M/S P&M Solutions Noida (U.P). The Committee made similar observations as in case of agenda item No. 5, 6 and 7 with respect to the ambiguity in ownership of the land or authorization w.r.t the project proponent. The committee also pointed out that the consultant had mentioned the name of Paramjeet Singh instead of Banupratap under head brief description of the project in prefeasibility report. The Consultant was asked to demonstrate the site using KML file. During observations, it was found that the mining block exactly lies in the river Ravi on the boarder between J&K and the state of Punjab. Though, in pursuance to amendment issued vide SO 3799(E) dated 14/08/2018, the general condition does not apply to the river bed mining project, yet the matter demands clarity in respect of the ownership of the Area of Interest (AOI) in favour of the UT of J&K, as the polygon of KML file partly falls on the other side of the boundary line of J&K and Panjab available at 1:50,000 scale. Therefore, in absence of such a clarity, it will not be appropriate for JKIAA to process the case for grant of ToR or EC as there is apprehension of part of the proposed mining block could be falling in the state of Panjab which needs to be ruled out. The Committee further observed a number of stone crushers and piles of river bed material stacked in the vicinity which shows that large scale mining activity is already in progress in violation of EP Act.

**Recommendation:** Therefore, in view of the above deliberations, the PP may be advised to resubmit the project, with clear land title by way of sale deed, if any/authorization by way of irrevocable power of attorney duly executed before judicial magistrate 1<sup>st</sup> class from the land owners duly stating therein that the owners authorize project proponent to extract minor minerals from the private land owned by them under khasra Nos. so and so over a period of proposed mining lease. Further, a categorical proof of jurisdiction of J&K alone by way of a certificate from the Director, Geology & Mining Department and Financial Commissioner(Revenue) to the effect that the coordinates mentioned in the approved mining plan correspond to Khsra No..2254/1938 which falls within the jurisdiction of UT of J&K alone, needs to be provided. Further, in view of the fact that satellite imagery of the site shows large scale mining activity already in progress in violation of EP Act, the case shall have to be treated as a violation case under relevant notifications governing such cases.

**Agenda Item No: 09****Proposal No:**

SIA/JK/MIN/167505/2020

**Title of the Case:**

Grant of Environment Clearance STP Part-IV for Mining of River Bed Material (RBM) Area 0.96 Ha, Block located in Ujh River Upstream Railway Bridge Survey No.43P/11, Khasra No: 5468/4611/3019, Village Fournalane, Tehsil & Distt Kathua favouring Mr Jagdish Jain, (M/S KCCCON PVT. LTD) R/o BU-5 Flats, Near Income Tax Colony Outer Ring Road, Pritampura Delhi-110034.

**Deliberations:**

The case was represented by the project proponent and his consultants, Dr. Joginder Singh Jamwal and - RQP Shri Abdul Majid Mir. The later, deliberated a power point presentation on the project. Worthwhile to mention, the project pertains to grant of short term permit (STP) by the Geology & Mining Department under provisions of Minor Mineral Concession Rules of 2016 read with amendments for extraction of 48,000 MT of Minor Mineral (River bed material) from River Ujh near Kathua over an area of 0.96 hectares required for resurfacing of the runway and aircraft operating surfaces at Air Force Station, Jammu. The consultants produced a letter from the Garrison Engineer, Air Force Station, Jammu addressed to the Chairman, JKEIAA stating therein that the material is for Govt. purpose and that the extraction at sites does not violate any provision of law. The consultant gave a detailed power point presentation and informed the forum that no mining activity has been started at site and there is no mining lease within 500 mts on either side of the designated STP sites. The consultant also produced a cluster certificate from Geology & Mining Dept. in this regard. Further, he informed the forum that there is no case pending against the project in any court of competent jurisdiction and no standing orders from any Hon'ble Court against the said STP. The KML file of the site was opened and the distance to Jasrota wildlife sanctuary as mentioned by the consultant in the PowerPoint presentations was verified on Google image and boundary of Jasrota sanctuary. As per the approved mining plan the geographical coordinates of the proposed STP site are as under:-

**STP Part-IV:**

<b>Pillar</b>	<b>Northing</b>	<b>Easting</b>
A	32 ° 27' 16.73''	75 ° 25' 0.91''
B	32 ° 27' 16.90''	75 ° 25' 4.58''
C	32 ° 27' 20.17''	75 ° 25' 4.53''
D	32 ° 27' 19.78''	75 ° 25' 0.56''

However, it was desired that for ascertaining the status of STPs vis a vis Jasrota wildlife sanctuary, the Wildlife Protection Department needs to clarify the applicability of ESZ notification of Jasrota Wildlife sanctuary. The impact of the project on the environmental setting was discussed threadbare in the light of standing notifications and sand mining guidelines of 2016 and 2020 issued by Ministry of Environment, Forest and Climate Change(MoEF&CC). During discussion, the Project proponent was asked to revise the Environment Management Plan (EMP) in consultation with local stake holder departments and

to earmark adequate funds under planting of saplings, Occupational Health Care and works under Corporate Environment Responsibility(CER) and to transfer the earmarked funds to the concerned stake holder departments for utilization in consultation with the local Panchayat representatives. The copy of revised EMP/CER plans shall immediately be submitted by the PP to the JKEIAA and JKEAC for record and reference and **formal grant of EC**. The Committee unanimously recommended the STP case for grant of environmental clearance subject to following standard and specific conditions:-

**GENERAL CONDITIONS:-**

Category	S. No.	Environmental Conditions
<b>Stake holder engagement</b>	1	All the provisions made and restrictions imposed as covered in the Minor Mineral Rules, shall be complied with, particularly regarding Environment Management Practices and its fund management.
	2	The genuine concerns of the local people translated through local Panchayat shall be addressed during the mining operations
	3	The labourers should preferably be from nearby villages
	4	All the orders from Hon'ble Courts of competent jurisdiction and authorities representing various government departments having stakes shall be complied with during the mining operations.
<b>Sustainable Mining Practices</b>	5	The recommendations made in the District Survey Report on sustainable mining practices if any shall be complied
	6	The depth of mining in Riverbed shall not exceed 1 metre or water level whichever is less.
	7	Mining activity shall not be allowed in rainy season
	8	The Geology & Mining Dept. shall study the replenishment of the dugout pits and document it for updating the District survey report
	9	The mining shall be restricted to 3/4 <sup>th</sup> of the width of the river/riverlet or 7.5 m(inward) from river bank but upto 10% of the width of the river.
	10	No stream should be diverted for the purpose of sand mining. No natural water course and/ or water resources are obstructed due to mining operations.

	11	Mining shall be carried by low profile machinery out without adoption of drilling & blasting. The RBM shall be exploited manually with spade, chisel, etc.
<b>Identification and Preparation of Mining Site</b>	12	Mining should be initiated only after installation of signboards with demarcation pillars indicating the geo-coordinates of the plot at each corner to be laid in presence of the authorized official of the Geology & Mining Department
	13	There should be no change in the method of excavation and quantity of minerals to be extracted.
<b>Monitoring the Mining of Mineral and its Transportation</b>	14	The EC holder shall keep a correct account of quantity of mineral mined out, dispatched from the mine, mode of transport, registration number of vehicle, person in-charge of vehicle and mine plan. This should be produced before officers concerned for inspection
	15	The access to mining site should be controlled in a way that vehicles carrying mineral from that area are tracked and accounted for in accordance with standing guidelines issued by the Govt.
	16	The Geology & Mining Department should use technology like Bar Coding, Information and Communications Technology (ICT), Web based and ICT enabled services, mobile SMS App etc. to account for weight of mineral being taken out of the plot and the number of trucks moving out with the mineral.
<b>Noise Management</b>	17	Noise arising out of mining and processing shall be abated and controlled at source to keep within permissible limit. Measures should be taken to control noise levels below 85 dBA in the work environment. Workers should be provided with ear plugs.
	18	Restricted working hours. Mining operation has to be carried out between 6 am to 7 pm.
<b>Air Pollution and Dust Management</b>	19	The EC holder shall take all measures for protection of Environment and control of Pollution.
	20	The pollution due to transportation load on the environment will be effectively controlled and water sprinkling will also be done regularly at loading, unloading and transfer points.

	21	The critical parameters of the Air and water shall be monitored within the impact zone of the Mine area particularly in the nearby habitations. The standing instructions issued from time to time by the Ministry of Environment, Forest & Climate Change (MoEF&CC) and Central Pollution Control Board (CPCB) shall be referred in this regard for compliance.
	22	Air due to dust, exhaust emission or fumes during mining and processing phase should be controlled and kept in permissible limits specified under environmental laws.
	23	The mineral transportation shall be carried out through covered trucks only and the vehicles carrying the mineral shall not be overloaded.
	24	Overloading of trucks and trolleys will be avoided.
	25	Personal protective equipment's will be provided to the workers.
	26	Haul road will be kept wide, compact and water spraying will be done. It shall be properly maintained by the PP and restored to original position after mining. Axle load on the roads should not exceed the prescribed load as per IRC
<b>Solid waste management</b>	27	Waste generated will be collected on regular basis and will be disposed as per the Municipal Solid Waste Management (Management & Handling) Rule 2000 and its subsequent amendments.
	28	Bins shall have to be provided at site for collection of solid waste.
<b>Bio-Diversity Protection</b>	29	Adequate measures must be taken for the protection of local fauna and flora
	30	Protection of turtle and bird habitats shall be ensured.
	31	No felling of tree near quarry is allowed.
	32	Spring sources should not be affected due to mining activities. Necessary Protection measures are to be incorporated.
	33	The PP shall use of oversize material to control erosion and movement of sediments

<b>Management of Instability and Erosion</b>	34	There shall be no extraction of stone / boulder / sand in landslide prone areas.
	35	There should be controlled clearance of riparian vegetation to be undertaken
	36	The PP should take adequate steps to check soil erosion and control debris flow etc. by constructing engineering structures
	37	No overhangs shall be allowed to be formed due to mining and mining shall not be allowed in area where subsidence of rocks is likely to occur due to steep angle of slope.
<b>Waste Management</b>	38	Site clearance and tidiness is very much needed to have less visual impact of mining.
	39	Dumping of waste shall be done in earmarked places as approved in Mining Plan
	40	Rubbish burial shall not be done in the Rivers.
<b>Enhancement of Road Safety</b>	41	Vehicles used for transportation of sand are to be permitted only with fitness and PUC Certificates
	42	Junction at takeoff point of approach road with main road be properly developed with proper width and geometry required for safe movement of traffic by concession holder at his own cost.
	43	Project Proponent shall ensure that the road may not be damaged due to transportation of the mineral and transport of minerals will be as per IRC relevant guidelines if any in this regard.
	44	No stacking shall be allowed on road side along National Highways.
<b>Health and Safety</b>	45	Health and safety of workers should be taken care of. They should also be provided training in safety and health care aspects.
	46	Adequate facility for drinking water and toilets should be provided for the workers
	47	Transport of mineral will not be done through villages / habitations.

	48	Deep drilled handpump with sufficient funding provision should be earmarked for providing drinking facility to the labour force and accordingly it should be reflected in the revised EMP
	49	Recommendations of National Institute for Labour for ensuring good occupational environment for mine workers would also be adopted.
<b>COVID-19 SOPs</b>	50	The PP shall be responsible for enforcement of COVID-19 standard operating procedures and guidelines with respect to safety of workers involved in the mining activity.
<b>Other mandatory requirements</b>	51	The copy of the EC shall be endorsed to the local Panchayat and all stake holder departments.
	52	The JK Pollution Control Board/ Committee shall display the EC at its Regional office, District Industries Centre, Collectors office/ Tehsildar Office for 30 days.
	53	The Project Proponent shall advertise, within 7 days of the date of issue of the EC, in two local dailies that the project has been granted EC and the copy of EC is uploaded on the MoEF&CC website at parivesh.nic.in. and copy of same should be endorsed to the Regional Office of the MoEF&CC at Chandigarh for information and necessary action.
	54	The MoEF&CC may alter/ modify or stipulate any other condition before, during the operations of the mine if it is found to be in the interest of environmental protection.
	55	Concealing of any information/data of submission of wrong/fabricated information by the Project Proponent and failure to comply with any of the above conditions may lead to withdrawal of the EC and attract action under the provisions of EP Act, 1986.
	56	An appeal against the EC shall lie with the Hon'ble NGT, if preferred within 30 days as prescribed under Section 16 of the NGT Act, 2010.

**Specific Conditions:-**

<b>1</b>	The EC shall be subject to other statutory clearances including clearance from Wildlife Protection Department and Standing Committee of the National Board of
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	Wildlife, if applicable under rules, to be certified by the Wildlife Protection Department.
2	The project proponent shall extract whatever river bed material becomes available within the prescribed mining depth of 1metre or water level whichever is less, strictly within the size of the plot areas as approved in the LoI/Mining Plan. <b>Thus the total permissible quantity allowed to be extracted from the STP shall be (9600 x1x2.25=21600 MT</b>
2	The EC shall be subject to the condition that the material extracted is utilized only for resurfacing of runway and aircraft operating surfaces at Jammu Air Force Station.
3	The formal STP shall be granted only after the Project proponent submits a revised Environment Management Plan (EMP) and revised CER Plan to the JKEIAA, JKEAC and Geology & Mining Dept. duly authenticated by the concerned DFO, Social Forestry Dept., concerned Chief Medical Officer(CMO) and local Panchayat Head and the earmarked funds must be transferred to the concerned stake holder departments <b>in advance before grant of STPs</b> for utilization under close supervision of the Local Panchayat Head.
4	This Environmental Clearance is subject to final outcome of any litigation pending before Hon'ble Supreme Court of India, Hon'ble High Court of Jammu & Kashmir, Hon'ble NGT, or any other Court of Law, if any, as may be applicable to this project.
5	This Environmental Clearance is without prejudice to the standing instructions /orders from the competent authorities in the MoEF&CC, GoI and the UT of J&K w.r.t river bed mining activity.
6	The grant of EC does not imply approval of the Govt. required under any other provision of law applicable in the UT of J&K
7	Before granting the STP, the Geology & Mining Department shall certify that no mining lease is in operation within 500 mts upstream and downstream from the plot identified for STP.
8	The EC holder shall obtain an estimate from the concerned DFO, Social Forestry Division for planting 1000 saplings of indigenous species in the nearby wastelands for which the funds required for planting and its maintenance for 2 years shall be transferred to the DFO, Social Forestry concerned <b>in advance</b> prior to grant of formal short Term Permit, for utilization to protect local biodiversity in the area. Accordingly, the PP shall revise the Environment Management Plan in consultation with concerned DFO Social Forestry Dept.
9	The District Mineral Officer shall monitor the replenishment of the mined-out areas, traffic management, levels of production, river bank erosion, exit point of the site

	and instruct the Project proponent for initiating measures for mitigating environmental concerns.
10	The project proponent shall take all precautionary measures during mining operations for conservation and protection of endangered fauna and flora in the area.
11	The workers should be provided with PPEs. The plan worked out and expenditure made under Occupational Health should be undertaken in consultation with the Local Health Institution/PHC/Sub-Centre for utilization for the health and welfare of the local workers involved in mining activity and villagers living in the close vicinity. Regular Medical checkups and free medicines shall be provided under the fund. The funds earmarked under Occupational Health care shall be transferred to the CMO concerned <b>in advance</b> before grant of STP in favour of the project proponent.
12	The project proponent must ensure that the biological clock of the villagers in the vicinity of the project is not disturbed by any unauthorized night operations and all measures must be taken for keeping the noise levels within prescribed levels.
13	Provision shall be kept for housing of the labour force, toilets, facilities for cooking, safe water, health care, crèche etc. for the labour force.
14	A final Mine closure Plan along with details of Corpus fund shall be communicated to the MoEF&CC in advance for approval.
15	The top soil in case of surface land mining shall be temporarily stored at an appropriate site and concurrently used for land reclamation.
16	The mining operations shall be undertaken in a systematic manner so that it does not damage the aesthetic view of the area.
17	Adequate steps should be taken to check soil erosion and engineering structures shall be raised near the bank wherever required.
18	Before granting the STP, the District Mineral Officer concerned shall certify that no mining lease is in operation within 500 mts upstream and downstream from the plot identified for STP.
19	Mining shall not be allowed where there is danger to flood protection works and places of cultural, religious and historical significance.
20	The compliance report shall be submitted to the Regional Office of the MoEF&CC at Chandigarh with a copy to the Regulatory Authority.
21	The EC shall be valid for a period of three months from the date of commencement of the mining operations duly certified by the District Mineral Officer concerned with intimation to the JKEIAA, JKPCB and the concerned District Administration.

22	An amount of Rs 5.0 lacs shall be earmarked by the Project proponent under Environmental Management Plan and Rs 1.50 lacs under CER. The detailed plans shall be prepared and submitted prior to formal grant of EC and funds transferred to concerned govt. departments in advance for utilization as per aspirations of the local panchayat before grant of formal STP by the Geology & Mining Department.
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**Agenda Item No: 10**

**Proposal No:**

SIA/JK/MIN/55723/2020

**Title of the Case:**

Grant of Terms of Reference for Proposed Jad khad River Bed Mining Project Upstream of Jourian Bridge, Block no. Jadh-5/27, Area 3.89 Hectare at Village- Jadh, Tehsil- Jourian, District-Jammu Union Territory- J & K favouring M/S J&K Project Construction Corporation Ltd, JKPCC, Rail Head Complex, Jammu, (Tawi)-180012

**Deliberations:**

The Secretary informed the forum that the project had previously been auctioned and allotted to one Balbir Singh and subsequently the block was re-allotted to JKPCC vide Govt. order No. 95-IND of 2020 dated 27/05/2020 as per letter No. 1/MCC/DGM/JKML/MM/1331-35 dated 9/07/2020 issued by Director, Geology & Mining Department. During the JKEAC meeting on 16/07/2020, the project was represented by Shri Harkewal Singh, General Manager, JKPCC from the side of Project Proponent and by M/S Global Management and Engineering Consultants International, Jaipur. During the said meeting, the Committee had recommended the case to be treated under B1 category under cluster approach where EIA/EMP and Public Hearing is mandatory as per rules and standing guidelines. Accordingly, the project proponent has applied for grant of Terms of Reference under the B1 category to enable the consultant to formulate the EIA/EMP and conduct of Public Hearing. During the meeting held on 05/09/2020, the case was represented by Shri Harkewal Singh, General Manager, JKPCC on behalf of the project proponent who requested the Committee for grant of ToRs.

**Recommendations:**

After thorough deliberations, the following general and specific ToRs were recommended in favour of the Project:-

**STANDARD TERMS OF REFERENCE**

- 1) Year-wise production details should be given, clearly stating the highest production achieved in any one year.
- 2) A copy of the document in support of the fact that the Proponent is the rightful lessee of the mine should be given.
- 3) All documents including approved mine plan, EIA and Public Hearing should be compatible with one another in terms of the mine lease area, production levels, waste generation and its management, mining technology etc. and should be in the name of the lessee.

- 4) All corner coordinates of the mine lease area, superimposed on a High Resolution Imagery/toposheet, topographic sheet, geomorphology and geology of the areas should be provided. Such an Imagery of the proposed area should clearly show the land use and other ecological features of the study area (core and buffer zone).
- 5) Information should be provided on high resolution satellite image on with geological map of the area, geomorphology of land-forms of the area, existing minerals and mining history of the area, important water bodies, streams and rivers and soil characteristics.
- 6) Details about the land proposed for mining activities should be given with information as to whether mining conforms to the land use policy of the State; land diversion for mining should have approval from State land use board or the concerned authority.
- 7) It should be clearly stated whether the proponent Company has a well laid down Environment Policy approved by its Board of Directors? If so, it may be spelt out in the EIA Report with description of the prescribed operating process/procedures to bring into focus any infringement/deviation/ violation of the environmental or forest norms/ conditions? The hierarchical system or administrative order of the Company to deal with the environmental issues and for ensuring compliance with the EC conditions may also be given. The system of reporting of non-compliances / violations of environmental norms to the Board of Directors of the Company and/or shareholders or stakeholders at large may also be detailed in the EIA Report.
- 8) Issues relating to Mine Safety, including subsidence study in case of underground mining and slope study in case of open cast mining, blasting study etc. should be detailed. The proposed safeguard measures in each case should also be provided.
- 9) The study area will comprise of 10 km zone around the mine lease from lease periphery and the data contained in the EIA such as waste generation etc. should be for the life of the mine / lease period.
- 10) Land use of the study area delineating forest area, agricultural land, grazing land, wildlife sanctuary, national park, migratory routes of fauna, water bodies, human settlements and other ecological features should be indicated. Land use plan of the mine lease area should be prepared to encompass preoperational, operational and post operational phases and submitted. Impact, if any, of change of land use should be given.
- 11) Details of the land for any Over Burden Dumps outside the mine lease, such as extent of land area, distance from mine lease, its land use, R&R issues, if any, should be given.
- 12) A Certificate from the Competent Authority in the State Forest Department should be provided, confirming the involvement of forest land, if any, in the project area. In the event of any contrary claim by the Project Proponent regarding the status of forests, the site may be inspected by the State Forest Department along with the Regional Office of the Ministry to ascertain the status of forests, based on which, the Certificate in this regard as mentioned above be issued. In all such cases, it would be desirable for representative of the State Forest Department to assist the Expert Appraisal Committees.

13) Status of forestry clearance for the broken-up area and virgin forestland involved in the Project including deposition of net present value (NPV) and compensatory afforestation (CA) should be indicated. A copy of the forestry clearance should also be furnished.

14) Implementation status of recognition of forest rights under the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 should be indicated.

15) The vegetation in the RF / PF areas in the study area, with necessary details, should be given.

16) A study shall be got done to ascertain the impact of the Mining Project on wildlife of the study area and details furnished. Impact of the project on the wildlife in the surrounding and any other protected area and accordingly, detailed mitigative measures required, should be worked out with cost implications and submitted.

17) Location of National Parks, Sanctuaries, Biosphere Reserves, Wildlife Corridors, Ramsar site Tiger/ Elephant Reserves/(existing as well as proposed), if any, within 10 km of the mine lease should be clearly indicated, supported by a location map duly authenticated by Chief Wildlife Warden. Necessary clearance, as may be applicable to such projects due to proximity of the ecologically sensitive areas as mentioned above, should be obtained from the Standing Committee of National Board of Wildlife and copy furnished.

18) A detailed biological study of the study area [core zone and buffer zone (10 km radius of the periphery of the mine lease)] shall be carried out. Details of flora and fauna, endangered, endemic and RET Species duly authenticated, separately for core and buffer zone should be furnished based on such primary field survey, clearly indicating the Schedule of the fauna present. In case of any scheduled-I fauna found in the study area, the necessary plan alongwith budgetary provisions for their conservation should be prepared in consultation with State Forest and Wildlife Department and details furnished. Necessary allocation of funds for implementing the same should be made as part of the project cost.

19) Proximity to Areas declared as 'Critically Polluted' should also be indicated and where so required, clearance certifications from the prescribed Authorities, such as the SPCB or State Mining Department should be secured and furnished to the effect that the proposed mining activities could be considered.

20) R&R Plan/compensation details for the Project Affected People (PAP) should be furnished. While preparing the R&R Plan, the relevant State/National Rehabilitation & Resettlement Policy should be kept in view. In respect of SCs /STs and other weaker sections of the society in the study area, a need based sample survey, family-wise, should be undertaken to assess their requirements, and action programmes prepared and submitted accordingly, integrating the sectoral programmes of line departments of the State Government. It may be clearly brought out whether the village(s) located in the mine lease area will be shifted or not. The issues relating to shifting of village(s) including their R&R and socio-economic aspects should be discussed in the Report.

- 21) One season (non-monsoon) [i.e. March-May (Summer Season); October-December (post monsoon season) ; December-February (winter season)]primary baseline data on ambient air quality as per CPCB Notification of 2009, water quality, noise level, soil and flora and fauna shall be collected and the AAQ and other data so compiled presented date-wise in the EIA and EMP Report. Site-specific meteorological data should also be collected. The location of the monitoring stations should be such as to represent whole of the study area and justified keeping in view the pre-dominant downwind direction and location of sensitive receptors. There should be at least one monitoring station within 500 m of the mine lease in the pre-dominant downwind direction. The mineralogical composition of PM10, particularly for free silica, should be given.
- 22) Air quality modelling should be carried out for prediction of impact of the project on the air quality of the area. It should also take into account the impact of movement of vehicles for transportation of mineral. The details of the model used and input parameters used for modelling should be provided. The air quality contours may be shown on a location map clearly indicating the location of the site, location of sensitive receptors, if any, and the habitation. The wind roses showing pre-dominant wind direction may also be indicated on the map.
- 23) The water requirement for the Project, its availability and source should be furnished. A detailed water balance should also be provided. Fresh water requirement for the Project should be indicated.
- 24) Necessary clearance from the Competent Authority for drawl of requisite quantity of water for the Project should be provided.
- 25) Description of water conservation measures proposed to be adopted in the Project should be given. Details of rainwater harvesting proposed in the Project, if any, should be provided.
- 26) Impact of the Project on the water quality, both surface and groundwater, should be assessed and necessary safeguard measures, if any required, should be provided.
- 27) Based on actual monitored data, it may clearly be shown whether working will intersect groundwater. Necessary data and documentation in this regard may be provided. In case the working will intersect groundwater table, a detailed Hydro Geological Study should be undertaken and Report furnished. The Report inter-alia, shall include details of the aquifers present and impact of mining activities on these aquifers. Necessary permission from Central Ground Water Authority for working below ground water and for pumping of ground water should also be obtained and copy furnished.
- 28) Details of any stream, seasonal or otherwise, passing through the lease area and modification / diversion proposed, if any, and the impact of the same on the hydrology should be brought out.
- 29) Information on site elevation, working depth, groundwater table etc. Should be provided both in AMSL and bgl. A schematic diagram may also be provided for the same.
- 30) A time bound Progressive Greenbelt Development Plan shall be prepared in a tabular form (indicating the linear and quantitative coverage, plant species and time frame) and submitted,

keeping in mind, the same will have to be executed up front on commencement of the Project. Phase-wise plan of plantation and compensatory afforestation should be charted clearly indicating the area to be covered under plantation and the species to be planted. The details of plantation already done should be given. The plant species selected for green belt should have greater ecological value and should be of good utility value to the local population with emphasis on local and native species and the species which are tolerant to pollution.

31) Impact on local transport infrastructure due to the Project should be indicated. Projected increase in truck traffic as a result of the Project in the present road network (including those outside the Project area) should be worked out, indicating whether it is capable of handling the incremental load. Arrangement for improving the infrastructure, if contemplated (including action to be taken by other agencies such as State Government) should be covered. Project Proponent shall conduct Impact of Transportation study as per Indian Road Congress Guidelines.

32) Details of the onsite shelter and facilities to be provided to the mine workers should be included in the EIA Report.

33) Conceptual post mining land use and Reclamation and Restoration of mined out areas (with plans and with adequate number of sections) should be given in the EIA report.

34) Occupational Health impacts of the Project should be anticipated and the proposed preventive measures spelt out in detail. Details of pre-placement medical examination and periodical medical examination schedules should be incorporated in the EMP. The project specific occupational health mitigation measures with required facilities proposed in the mining area may be detailed.

35) Public health implications of the Project and related activities for the population in the impact zone should be systematically evaluated and the proposed remedial measures should be detailed along with budgetary allocations.

36) Measures of socio economic significance and influence to the local community proposed to be provided by the Project Proponent should be indicated. As far as possible, quantitative dimensions may be given with time frames for implementation.

37) Detailed environmental management plan (EMP) to mitigate the environmental impacts which, should inter-alia include the impacts of change of land use, loss of agricultural and grazing land, if any, occupational health impacts besides other impacts specific to the proposed Project.

38) Public Hearing points raised and commitment of the Project Proponent on the same along with time bound Action Plan with budgetary provisions to implement the same should be provided and also incorporated in the final EIA/EMP Report of the Project.

39) Details of litigation pending against the project, if any, with direction /order passed by any Court of Law against the Project should be given.

40) The cost of the Project (capital cost and recurring cost) as well as the cost towards implementation of EMP should be clearly spelt out.

41) A Disaster management Plan shall be prepared and included in the EIA/EMP Report.

42) Benefits of the Project if the Project is implemented should be spelt out. The benefits of the Project shall clearly indicate environmental, social, economic, employment potential, etc.

43) Besides the above, the below mentioned general points are also to be followed:

a) Executive Summary of the EIA/EMP Report

b) All documents to be properly referenced with index and continuous page numbering.

c) Where data are presented in the Report especially in Tables, the period in which the data were collected and the sources should be indicated.

d) Project Proponent shall enclose all the analysis/testing reports of water, air, soil, noise etc. using the MoEF&CC/NABL accredited laboratories. All the original analysis/testing reports should be available during appraisal of the Project.

e) Where the documents provided are in a language other than English, an English translation should be provided.

f) The Questionnaire for environmental appraisal of mining projects as devised earlier by the Ministry shall also be filled and submitted.

g) While preparing the EIA report, the instructions for the Proponents and instructions for the Consultants issued by MoEF&CC vide O.M. No. J-11013/41/2006-IA.II(I) dated 4th August, 2009, which are available on the website of this Ministry, should be followed.

h) Changes, if any made in the basic scope and project parameters (as submitted in Form-I and the PFR for securing the TOR) should be brought to the attention of MoEF&CC with reasons for such changes and permission should be sought, as the TOR may also have to be altered. Post Public Hearing changes in structure and content of the draft EIA/EMP (other than modifications arising out of the P.H. process) will entail conducting the PH again with the revised documentation.

i) As per the circular no. J-11011/618/2010-IA.II(I) dated 30.5.2012, certified report of the status of compliance of the conditions stipulated in the environment clearance for the existing operations of the project, should be obtained from the Regional Office of Ministry of Environment, Forest and Climate Change, as may be applicable.

j) The EIA report should also include (i) surface plan of the area indicating contours of main topographic features, drainage and mining area, (ii) geological maps and sections and (iii) sections of the mine pit and external dumps, if any, clearly showing the land features of the adjoining area.

### **SPECIFIC TERMS OF REFERENCE**

1. Impact of mining activity on adjacent agricultural land with particular reference to run off, soil erosion and top-soil loss due to change in topography.
2. Details of Gradient of riverbed and 3-D view draped on the satellite image
3. Details of excavation schedule & sequential mining plan.
4. Details of transportation of mined out materials with respect to axle load specified for the road as per the Indian Road congress for both the ways (loaded as well as unloaded trucks) load and its impact on the environment.
5. Impact on mining activity on the existing land use in the study area.
6. Impact on mining on aquatic life.
7. NOCs from competent authority of Forest Department, Irrigation and Flood Control Dept. and Fisheries Dept. should be obtained and submitted while applying for EC
8. Excavation to be carried out upto a maximum depth of 1 m in the riverbed or 1 m above water table whichever comes first.
9. Specific measures to be undertaken to mitigate the impact of mining activity on the habitat and migration of fish in the river/stream and concurrence thereof from the Fisheries Department.
10. The Photography and videography of the mining block shall be part of the Terms of Reference.
11. The maps shall be submitted on a scale of 1: 3000 and 1: 1500 within 10 kms. Radius
12. The shortest extraction route leading to the main road but with minimum interference with human settlements should be identified and it should be properly black topped.
13. Dust suppression measures should be prescribed in the EIA/EMP.
14. Post project monitoring plan should be included in the study.
15. Occupational health impacts should be assessed and plan for implementation of COVID-19 SOPs in the mining activity should be detailed.
16. The Consultant while presenting field data in the EIA report, should ensure that the site specific date-wise datasheets duly attested by the local panchayat head with his name , signatures and stamp and attested by District Mineral Officer with seal and signature are included in the EIA report.
17. The impact of mining activity on the neighbouring villages need to be studied and extraction road need to be such that it has least crossing through village settlements.
18. The data displayed on air quality monitoring stations should be captured with digital camera displaying the date on the photograph so captured and same should be submitted in support of the date-wise data sheets. These digital photographs should be submitted in soft as well as appended with the EIA report.

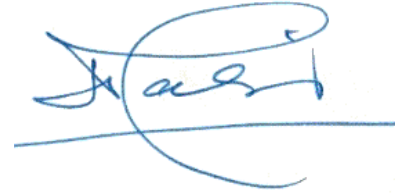
**The prescribed TORs would be valid for a period of four years for submission of the EIA/EMP reports, as per the S.O. No. 751(E) dated 17th of Feb., 2020**

**Besides, the TORs are recommended without prejudice to the standing court orders, if any, w.r.t the concerned mining project or final outcome of writ petitions/LPAs pending disposal before any competent court of law w.r.t the concerned mining block.**

After preparing the EIA/EMP (as per the generic structure prescribed in Appendix- III of the EIA Notification, 2006) covering the above mentioned issues, the proponent will apply for EC on the **Parivesh Portal of the MoEF&CC and submit all the relevant documents**

**including Public Hearing report in accordance with the procedure prescribed under the EIA Notification, 2006.**

Lastly, the Committee confirmed the minutes of meeting of the 12<sup>th</sup> JKEAC and the meeting ended with vote of thanks to the chair.



**SECRETARY  
JK-Expert Appraisal Committee**

No: JKEAC/JK/2020/1870-83

Dated: 11/09/2020

Copy by email to:

1. The Member Secretary, J&K Environment Impact Assessment Authority (JKEIAA), /PCCF/Director, Ecology, Environment and Remote Sensing, J&K Govt., Jammu for favour kind information.
2. Sh. S. C. Sharma, Chairman, J&K Expert Appraisal Committee, (JKEAC) 331 Shastri Nagar, Jammu-180004 for favour of kind information.
3. Sh. M.A Tak, Member, J&K Expert Appraisal Committee, (JKEAC) 124 Mominabad (Near Jakfed), Anantnag Kashmir,-192101 for favour of kind information.
4. Sh. Braj Bhushan Sharma, Member, J&K Expert Appraisal Committee, (JKEAC) 278/2 Channi Himmat, Jammu for favour of kind information.
5. Professor Shakeel Ahmad Romshoo, Member, J&K Expert Appraisal Committee, (JKEAC) Department of Earth Sciences Kashmir University Srinagar-190006 for favour of kind information and necessary action please.
6. Sh. Abdul Rashid Makroo, Member, J&K Expert Appraisal Committee, (JKEAC) H/No. 9 Lane No 11 Sector C, Gulshan Nagar Nowgam Bypass, Srinagar-190019 for favour of kind information please.
7. Professor ArvindJasrotia Member, J&K Expert Appraisal Committee, (JKEAC) 33/D Sainik Colony Jammu-180011 for favour of kind information please.
8. Dr. Ghulam Mohammad Dar, Member, J&K Expert Appraisal Committee, (JKEAC) Main Campus IMPA&RD, M.A Road, Srinagar-190001 for favour of kind information please.
9. Sh. Irfan Yasin, Member, J&K Expert Appraisal Committee, (JKEAC) Bagh-e-Hyderpora, Bypass, Srinagar for favour of kind information please.
10. Professor Anil Kumar Raina, Member, J&K Expert Appraisal Committee, (JKEAC) Department of Environmental Science University of Jammu, Jammu-180006 for favour of kind information please.
11. Professor M. A. Khan, Member, J&K Expert Appraisal Committee, (JKEAC) Khan House, A-27 Milatabad, Peerbagh "B" Srinagar for favour of kind information please.
12. Dr. Falendra Kumar Sudan, Member, J&K Expert Appraisal Committee, (JKEAC) Professor Department of Economics University of Jammu, Jammu for favour of kind information please.
13. Sh. Sheikh Sajid, PA for information and with direction to upload the minutes on the environmental clearance portal at [parivesh.nic.in](http://parivesh.nic.in).
14. Concerned File.