

Factual Note in response to: News article published in Village Square website dated 20.08.2023 titled, "Gypsum Jam: Rampant mining troubles Kashmir villagers" (O.A. NO. 538/2023)

Listed before Hon'ble NGT, Principal Bench, Court No.1 on 11.09.2023

Introduction:

The Gypsum bearing rocks were identified by J&K Department of Geology & Mining through a series of field investigations that lasted over more than four decades. After the establishment of the reserves of mineral gypsum to the tune of about 100 million tonnes in the entire area from village Ijra to village Chiriyān, fifteen (15) numbers of mining leases (**ANNEXURE-A**) were granted by the J&K Government to the Project Proponents after fulfilling all the requisite formalities that were in vogue at that time. The formalities included NoC's from various stake holding departments including Wildlife and Forest, besides submission of Mining Plans which were approved by the competent authority (Indian Bureau of Mines). It is pertinent to mention here that Mining Plans contain an entire chapter on Environmental Protection, besides, Environmental Management Plan. The mineral Gypsum belonged to the category of Major Minerals till the issuance of S.O. 423 (E) dated: 10.02.2015 by the Govt. of India, where-under it was declared as a Minor Mineral and the monitoring responsibility was entirely shifted to State Governments. Since 2016, the gypsum mining leases are monitored and regulated under "The Jammu & Kashmir Minor Mineral Concession, Storage, Transportation of minerals and Prevention of Illegal Mining Rules, 2016.

In the year 2016, the Ministry of Environment, Forest & Climate Change (MoEF&CC) vide notification no. S.O.141 (E) dated 15.01.2016 amended erstwhile Environmental Impact Assessment (EIA) Notification No. S.O.1533 (E) dated 14.09.2006 which led to the constitution of the District Level Environment Impact Assessment Authority (DEIAA) and District Level Expert Appraisal Committee (DEAC) at district level for grant of environmental clearances for category B2 projects for mining of minor minerals for all the districts in the country. District Level Expert Appraisal Committee (DEAC) was mandated to scrutinize and recommend the prior

environmental clearance of mining of minor minerals to District Level Environment Impact Assessment Authority (DEIAA) on the basis of District Survey Report (DSR). Subsequently, the lease holders were directed to approach DEIAA to acquire Environment Clearance for their respective mines to carry out further mining activities. Accordingly, ten lease holders obtained EC's from DEIAA (**ANNEXURE-B**) for their mining leases and submitted the same in the Geology & Mining Department. The Environmental Clearances have been granted to the lease holders with a set of conditions giving due considerations to the environmental impacts of gypsum mining. The lease holders of each and every mine are being periodically monitored by competent authorities in order to make them comply with the conditions laid in the mining plan, environmental clearances and consent to operate.

Impact on Health:

As far as the Tuberculosis disease is concerned, a plethora of medical literature is published wherein it has been established that Tuberculosis disease is caused by a Bacterium called *Mycobacterium Tuberculosis* and has nothing to do with the gypsum mineral. However, if tuberculosis already exists within the population of any area, it can be aggravated by air pollution. The air pollution/particulate matter in the gypsum mining area of District Baramulla is being continuously kept in control by each mining lease holder using water sprinklers for dust suppression in and around the mines. Further, mineral gypsum is partially water-soluble and does not get dissolved easily in water and there are least chances of washout of mineral during rainy season, besides, water is not used during the mining process of the mineral. Hence, possibilities of water getting contaminated with gypsum are very rare.

To curb the noise pollution in and around the gypsum mining areas the District Administration Baramulla issued an advisory order vide no: DCB/Mining/2020/327-36 Dated: 24.08.2020 (**ANNEXURE-C**), restricting the movement of heavy vehicles for transportation of gypsum from the mine heads and allowed the transportation of mineral in light vehicles upto the dumpyards/ dumping sites which were allotted to them near Veerwan. At present, the mineral gypsum is

dispatched from Veerwan dumping sites to other parts of the Union Territory and other States.

Threat to Wildlife:

The Hon'ble Supreme Court of India passed a judgement in the case titled T.N Godavarman Thirumulpad Vs Union of India & Others on 03.06.2022 wherein directions were passed that "*Each Protected Forest, that is National park or Wildlife sanctuary must have an ESZ of minimum one Kilometer measured from the demarcated boundary of such protected Forest*". For the implementation of Hon'ble Supreme Court order, a committee under the chairmanship of Sub-Divisional Magistrate Uri was constituted by Deputy Commissioner, Baramulla vide no: DCB/SQ/1640-46 dated: 26-07-2022 (**ANNEXURE-D**). The constituted committee in its report submitted to Deputy Commissioner Baramulla vide no: SDM/Uri/22/1317 dated: 13-09-2022 (**ANNEXURE-E**) concluded with that out of the 15 leases, 14 leases fall in either protected area or ESZ of Lachipora Wildlife Sanctuary. Consequently, vide this office letter no: DMO/DGM/BLA/2022-23/1701-18 dated: 17-11-2022 (**ANNEXURE-F**), all such lease holders were directed to stop the mining activity in their mines with immediate effect. Aggrieved of this communication, the lease holders approached Hon'ble High Court of Jammu & Kashmir & Ladakh for relief. The Hon'ble High Court passed direction in the case titled Tower Chemicals and Ors Vs UT of J&K and Ors on 09-02-2023 (**ANNEXURE-G**) that "the Petitioners be allowed to carry out mining activities till such time the process of demarcation of the area is undertaken and concluded by respondents on ground. In case after said demarcation the mines of the petitioners are found to be situated within the prohibited zone/s, the respondents shall forthwith stop the petitioners from carrying out the said mining activity. The matter is presently sub-judice and final order passed therein will be followed in letter and spirit.

No benefit for villagers:

The operational gypsum mines of Baramulla District have generated an amount of around ₹2.82 Crores during the year 2022-23 for the government exchequer in the form of royalty besides an amount equivalent to 30% of royalty to the District Mineral Foundation Trust which is being spent on the welfare schemes in the mining affected areas under PMKKKY. Till date an amount of ₹51.04 Lacs have

been allocated for different welfare schemes for Health sector, Drinking Water supply, infrastructure under Pradhan Mantri Khanij Kshetra Kalyan Yojna (PMKKKY) out of DMFT, Baramulla (**ANNEXURE-H**) for the gypsum mining affected areas of Boniyar Tehsil of the District. Further, the lease holders preferred the engagement of local youth in the mining works of their mines and are utilizing the services of local transporters for carriage of the mineral from mines to dumpyards, thereby generating employment to hundreds of local populace.


09.08.2023
District Mineral Officer,
Baramulla