

Item No. 03

(Court No.1)

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

(By Video Conferencing)

Original Application No. 137/2021

Arti Sharma (Sarpanch)

Applicant

Versus

State of Jammu & Kashmir & Ors.

Respondent(s)

Date of hearing: 30.06.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE MR. JUSTICE M. SATHYANARAYANAN, JUDICIAL MEMBER
HON'BLE MR. JUSTICE BRIJESH SETHI, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

ORDER

1. Grievance in this application is against operation of stone crushers by M/s Diamond Stone Crusher, VPO Saranoo Tehsil, District Rajouri, J&K and M/s Shankar Stone Crusher, VPO Saranoo Tehsil, District Rajouri, J&K, in violation of environmental norms.

2. Case of the applicant is that the said stone crushers are located close to residential area and Tawi River. Illegal borewells have been dug for extraction of ground water. Requisite Environmental Clearance has not been taken. Illegal mining is also done on the bank of Tawi River, using heavy machinery. Air pollution is caused by using vehicles for transportation. This is resulting in lowering of the water level, water scarcity, decreasing agriculture productivity, loss of biodiversity, land degradation, soil erosion, unproductive waste lands, noise pollution, dust pollution, water pollution, loss of habitat of flora and fauna. The stone crushers have not installed requisite pollution control equipments nor

created requisite green belts nor adopted other safeguards. The statutory authorities are neglecting their duties. Though the State PCB has issued guidelines for the safeguards to be employed by the stone crushers, the said guidelines are neither followed nor monitored.

3. It is well known that stone crushers have potential for huge pollution and unscientific mining for such stone crushers further degrades the environment. Statutory safeguards under the Environment (Protection) Act, 1986, Water (Prevention and Control of Pollution) Act, 1974 and Air (Prevention and Control of Pollution) Act, 1981 need to be followed and monitored by the statutory regulators. Violations, being criminal offence under the law, there is need to take preventive and remedial action, including recovery of compensation on 'Polluter Pays' principle for the past violations till illegal activities are stopped.

4. Accordingly, we direct a joint Committee of CPCB, State PCB and District Magistrate, Rajouri to look into the above grievances and ascertain the extent of non-compliances.

5. Based on such verification, the statutory regulators may take action to prevent further damage to the environment and assess and recover compensation for the past violations. The compensation may cover not only the cost of mined material but also the cost of restoration and ecological services forgone forever, with element of deterrence. The guidelines laid down by the CPCB in this regard may be followed. The CPCB and State PCB will be the nodal agency for coordination and compliance. Factual and action taken report in the matter may be furnished to this Tribunal before the next date 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 with a copy to the operators of stone

crushers for their response, if any. The Report may *inter-alia* indicate the status of compliance of siting guidelines for Crushers, CTE granted by PCB, consistency of the license granted with the District Survey Report and Replenishment studies, the extent of boulders.

List for further consideration on 10.11.2021.

A copy of this order be forwarded to the CPCB, State PCB and District Magistrate, Rajouri by e-mail for compliance.

The applicant may serve set of papers on the CPCB, State PCB and District Magistrate, Rajouri and file affidavit of service within one week.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

M. Sathyanarayanan, JM

Brijesh Sethi, JM

Dr. Nagin Nanda, EM

June 30, 2021
Original Application No. 137/2021
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