



Government of Jammu & Kashmir,  
Department of Public Health Engineering, Irrigation & Flood Control  
Civil Secretariat, Jammu

SUBJECT: RECORD NOTE OF MEETING HELD BY THE HON'BLE MINISTER PHE & IRRIGATION & FLOOD CONTROL, SH. SHAM LAL SHARMA IN HIS OFFICE CHAMBER IN THE CIVIL SECRETARIAT JAMMU AT 3 PM ON 12-02-2013.

A meeting was convened by the Hon'ble Minister of PHE & Irrigation & Flood Control in his chamber on 12.02.2013 to discuss the issue of continued over-exploitation of river bed material from river Tawi and other major nallahs of the Jammu which has caused severe erosion of river banks and made the habitations, land & property on their banks highly vulnerable to the danger of floods and erosion besides causing environmental damage.

2. The following officers participated in the said meeting:
  - i. Dr. Pawan Kotwal IAS, Commissioner & Secretary, PHE & Irrigation & Flood Control Department.
  - ii. Sh. Sanjeev Verma IAS Deputy Commissioner Jammu.
  - iii. Sh. Kamal Kishore Gupta, Chief Engineer, Irrigation & Flood Control Jammu
  - iv. Sh. Khurshid Ahmed Shah, Additional Secretary to Govt., Industries & Commerce Department
  - v. Sh. G.A. Wani Assistant Mining Engineer , Geology & Mining Department
  - vi. Sh. Jatinder Parimoo Officer in charge Mining & Mineral Concession Wing (Zone-B) , Geology & Mining Department
  - vii. Sh. Rajeshwar Singh, in charge District Mineral Officer Jammu, Geology & Mining Department

3. The Hon'ble Minister expressed his deep concern over the ongoing uncontrolled and random massive digging of the river beds up to 3-4 meter depth by the contractors who were using heavy duty excavators to extract river bed materials under the pretext that the Geology & Mining Department has authorized them to dig up to 3 meters depths in the river beds. He wondered how could such massive excavation of river beds be allowed by the Geology & Mining Department every year which was not only

unsustainable but was highly detrimental to the environment and could alter the flow pattern of rivers triggering massive flooding and inundation of the river embankments and wreak havoc in case of heavy rains or during the monsoon period.

4. He also noted that after the enactment of the Water Resources (Regulation & Management) Act, 2010 and framing of the Jammu & Kashmir Water Resources (Regulation & Management) Rules, 2011 there under, no person can collect or extract any material from any water source except in accordance with the provisions of the said Act / Rules and that henceforth any auction for extraction of river bed material should be done by the Geology & Mining Department strictly in accordance with the said Act/ Rules.

5. Thereafter, he asked Commissioner & Secretary, PHE & Irrigation & Flood Control Department to examine the whole issue in light of the Water Resources (Regulation & Management) Act, 2010, the Jammu & Kashmir Water Resources (Regulation & Management) Rules, 2011, J&K Minor Mineral Concession Rules & Supreme Court guidelines and MOEF guidelines.

6. The Commissioner & Secretary, PHE & Irrigation & Flood Control examined the most crucial issue of awarding contract for extraction / mining of river bed material '*up to a depth of 3m / water level, whichever is less*' by the Geology & Mining Department by incorporating it in the Terms & Conditions of the NIT issued by Directorate of Geology & Mining for the year 2012-13.

7. He desired to know whether the Environment Impact Assessment has been got done as per the directions of the Hon'ble Supreme Court by the Geology & Mining Department before awarding the royalty contracts for huge areas of river bed of river Tawi and other major nallahs in the Jammu Division. He reiterated that the Hon'ble Supreme Court has directed vide its order dated 27.02.2012 in I.A. no. 12- 13 of 2011 in SLP (C) no. 19628-19629 of 2009 in the matter of Deepak Kumar etc. Vs State of Haryana and Ors, as below:-

*"We in the meanwhile, order that leases of minor mineral including their renewal for an area of less than 5 ha be granted by the States / UTs only after getting environmental clearance from the MoEF".*

8. He said that the Working Group constituted by the MOEF under the chairmanship of the Secretary MoEF to examine the issue of uncontrolled extraction of minor minerals like sand, bajri and boulders from river beds has made following recommendation in their report at para 4.9 for sustainable mining of sand, bajri and boulders from the river/nallah beds, which should be read and given effect to as a whole and not in a piecemeal manner :-

#### **4.9 River Bed Mining:**

4.9.1 Environment damage being caused by un regulated river bed mining of sand, bajri and boulders is attracting considerable attention including in the courts. The following recommendations are therefore made for river bed mining.

- (a) In the case of mining leases for river bed sand mining, specific river stretches should be identified and mining permits / lease should be granted stretch wise, so that the requisite safeguard measures are duly implemented and are effectively monitored by the respective Regulatory Authorities.**
- (b) The depth of mining may be restricted to 3 m. / water level, whichever is less.**
- (c) For carrying out mining in proximity to any bridge and/ or embankment, appropriate safety zone should be worked out on case to case basis, taking into account the structural parameters, locational aspects, flow rate etc. and no mining should be carried out in the safety zone so worked out.**

9. Thus, the general recommendations of the WG in respect of undertaking sustainable extraction of minor minerals are as given below :-

- Minimum size of mine lease should be 5 ha
- Minimum period of mine lease should be 5 years
- A cluster approach to mines should be taken in case of smaller mine leases operating currently
- Mine plans should be made mandatory for minor minerals as well
- A separate corpus should be created for reclamation and rehabilitation of mined out areas
- Hydro-geological reports should be prepared for mining proposed below groundwater table
- For river bed mining, leases should be granted stretch wise, depth may be restricted to 3m / water level, whichever is less, and safety zones should be worked out
- The present classification of minerals into major and minor categories should be re-examined by the Ministry of Mines in consultation with the States

10. Accordingly , the then Union Minister for MOEF Sh. Jairam Ramesh vide his DO letter dated 1<sup>st</sup> June 2010 had requested the state governments to examine these recommendations and incorporate them in the respective Minor Mineral Concession Rules of the States for mining of minor minerals under section 15 of the MMRD Act, 1957.

11. The Commissioner / Secretary PHE & Irrigation & FC said that these recommendations have not yet been incorporated in the J&K Minor Mineral Concession Rules by the State Geology & Mining Dept. in toto and unless it was done first only incorporating one recommendation of '*allowing mining up to 3m level / water level*' in the tender bid in absence of a proper mining plan/mining scheme would lead to unsustainable over extraction and prove to be disastrous for the environment / ecology of the river beds beside causing huge loss to the govt. if the 'minimum reserve bid' was not assessed keeping in view the huge quantities actually permitted to be extracted up to 3m depth in the various river / nallah beds of the State.

12. The representatives of Directorate of Geology & Mining said that they have requested the Chief Engineer I&FC Jammu a number of times for identification of sites for extraction of bed material as per the Water Resources (Regulation & Management)

Act, 2010, the Jammu & Kashmir Water Resources (Regulation & Management) Rules, 2011 said Act and admitted that some instances of auction and permissions of lifting of Bed material and collection of Royalty by P.H.E, I&F.C officers in violation of the said Act have been reported.

13. The Commissioner/ Secretary to Govt. PHE/I&FC also invited the attention of the participants to the Sub-Section 2 of Section 03 of J&K water Resources(Regulation & Management) Act, 2010 stated that as per the said provisions of the Act no person shall use any water from any source (Surface or ground) or collect or extract any material from such water resources except in accordance with the Provisions of the Act and as per Rule 42 of J&K Water Resources (Regulation & Management) Rules, 2011 for extraction of bed material, sites of extraction shall be identified by Executive Engineer as defined in section 2(p) of the said Act.

In light of above, the following decisions were taken:-

- i. Chief Engineer, Irrigation & Flood Control Jammu was advised to implement the provisions of J&K Water Resources (Regulation & Management) Act, 2010 and rules made there under in letter and spirit.
- ii. The G & M department must obtain the Environmental Clearance (EIA/EMP) & Mining Plan before granting contracts for royalty collection of minor minerals like sand, bajri and boulders from river / nallah beds or before granting mining leases for extraction thereof, to anyone.
- iii. No tenders be invited for Royalty Collection Contract/extraction of Minor Minerals for the Financial Year, 2013-14 in violation of the directions of the Supreme Court and the J&K Water Resources (Regulation & Management) Act, 2010 and rules made there under.

- iv. The identification of sites/ stretches for extraction of bed material will be done by PHE/ Irrigation & Flood Control Department in both the Provinces of the State as per the provisions of the act.

The meeting ended with the vote of thanks to the Chair.

Sd/-  
(Dr. Pawan Kotwal ) IAS,  
Commissioner/Secretary to Government  
PHE/I&FC Department.

No. PW/Hyd/P&S/101/Circular/2012-13

Dated. 27.02.2013

Copy to the: -

1. Divisional Commissioner, Kashmir.
2. Divisional Commissioner, Jammu.
3. All Deputy Commissioners.
4. Director Geology and Mining, J&K.
5. Chief Engineer, I&FC Department, Jammu/Kashmir.
6. Additional Secretary to Government, Industries & Commerce Department.
7. Spl. Assistant to Hon'ble Minister, PHE/I&FC.
8. Spl. Assistant to HMOS, PHE/I&FC.
9. Pvt. Secretary to Commissioner/Secretary to Government, Industries & Commerce Department.
10. Pvt. Secretary to Commissioner/Secretary to Government, PHE/I&FC Department.

Sd/-  
Joint Director (P&S)  
PHE/I&FC Department