

HC modifies order on ban of extraction of minor minerals from river Tawi

■ STATE TIMES NEWS

JAMMU: In a Public Interest Litigation regarding encroachment of bank of river Tawi, a Division Bench of Jammu & Kashmir and Ladakh High Court comprising Chief Justice Pankaj Mithal and Justice Sanjay Dhar, giving a major relief to public at large, modified order dated November 17, 2016 to the extent it provides for blanket ban on extraction of minor minerals from river Tawi and directed that relevant authorities of the Government are at liberty to get the minor minerals extracted from river Tawi subject to strict adherence to Rules of 2016 and recommendations of Committees mentioned hereinbefore.

When the PIL came-up for hearing, DB observed that the District Mineral Officer, Geology and Mining Department, Government of Jammu and Kashmir, Jammu, has filed an application whereby the applicant has sought vacation/modification of order dated 17.11.2016 passed by this Court in the aforementioned PIL. Vide aforesaid order it was, inter alia, provided that extraction of minor minerals from River Tawi be immedi-

ately stopped till further orders. In the application it has been contended that the blanket ban on extraction of minor minerals from River Tawi, imposed vide the aforesaid order, is causing great hardships to the public at large, inasmuch as, it has led to sky rocketing of costs of minor minerals and its illegal extraction. It has been further submitted that the Government exchequer is being put to huge losses on account of ban on extraction of minor minerals and the continuous deposition of minor minerals in the River Tawi has become a potential threat of submerging of banks of the river in the event of a flood.

DB after hearing Counsel for the parties and Advocate General appearing for the applicants and also gone through the record of the case, observed that due to ban on mining in river Tawi basin downstream of 4th Tawi bridge, by virtue of High Court's Order dated 17.11.2016, the consistent shortage of minor minerals has led to sprouting of a parallel industry of illegal operators who exploited the demand supply matrix and started free lancing mostly

exploiting shoals formed in the Tawi basin for sand and at times for aggregates known 'Bajri' in local parlance.

DB observed that the ban on extraction of minor minerals from River Tawi, according to applicants, has led to illegal mining activities/operation of stone crusher units in River Tawi. It appears that the Government constituted a Committee vide its order No.15-MNG of 2021 dated 04.05.2021 to examine the aforesaid aspect. Some of the recommendations made by the Committee are reproduced as that due to ban on mining in river Tawi basin downstream of 4th Tawi bridge, by virtue of High Court's Order dated 17.11.2016, the consistent shortage of minor minerals has led to sprouting of a parallel industry of illegal operators who exploited the demand supply matrix and started free lancing mostly exploiting shoals formed in the Tawi basin for sand and at times for aggregates known 'Bajri' in local parlance. The non-exploitation of potential spots in river Tawi since 2016 has led to deposition of river bed material in vulnerable stretches which

used to get removed periodically for local consumption and there is every apprehension of loss to human life and property in the event these are left as these are and the resultant flow pattern is likely to be detrimental to adjoining human habitations in case of sudden run off from the catchment areas during rainy season."

DB further observed that it appears that Order dated 17.11.2016 was passed by this Court in order to check the illegal extraction of minor minerals. Having regard to the reports of the Committees, it appears that the aforesaid order has not served the desired purpose, inasmuch as, the illegal extraction of minor minerals, has led to sprouting of a parallel industry. It appears to us that at the relevant time, when the aforesaid order was passed, a Transitory Provision in the form of Rule 104-A incorporated in J&K Minor Mineral Concession Storage, Transportation of Minerals and Prevention of Illegal Mining Rules, 2016 (hereinafter referred to as the Rules of 2016), was in force. The said provision permitted extraction of minor minerals to any existing quarry holder

or to any person extracting such minor minerals or for transportation of such minerals on royalty basis. Under the shield of aforesaid Rule, the minor minerals were being extracted without environmental and other clearances that are mandatory as per the Rules of 2016.

It appears that on account of this provision, extraction of minor minerals in River Tawi was going on unabated without any concern for the safety of the environment. In this backdrop, this Court was persuaded to pass an order of blanket ban on extraction of minor minerals so as to put brakes on the aforesaid situation. DB further said that the transitory provision of Rule 104-A is no longer in operation as the same stands omitted vide SO.169 dated 19.05.2020 and as per the existing Rules extraction of minor minerals without approval of Mining Plan and without environmental and other clearances, as provided under the Rules of 2016, is not permissible. Vide SRO 161 dated 07.03.2019, amendment has been effected to the Rules of 2016, so as to provide for grant of mining leases only through the mode of e-auction.

This has obviated the possibility of allotment of mining leases on the basis of unfair competition which is generally associated with the cases of open auction.

DB observed that in view of the aforesaid changed circumstances, we are of the opinion that order dated 17.11.2016 is required to be modified to the extent it provides for blanket ban on extraction of minor minerals from River Tawi and directed that the relevant authorities of the Government are at liberty to get the minor minerals extracted from River Tawi subject to strict adherence to the Rules of 2016 and recommendations of the Committees.

Disposal of solid waste in J&K: Comm Secy H&UDD directed to bring on record vision plan

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JAMMU: A Division Bench of Jammu & Kashmir and Ladakh High Court comprising Chief Justice Pankaj Mithal and Justice Wasim Sadiq Nargal, directed Commissioner Secretary to the Government, Housing and Urban Development Department, to bring on record the vision plan regarding the disposal of solid waste for the Union Territory with complete details of the steps so far taken and proposed to be taken, and how much funds in this regard has been received from the Central Government as well as the State Government and how same has been utilized. DB

further directed the Commissioner Secretary to file his personal affidavit indicating compliance of each and every order so far passed by this Court from time to time. This significant order has been passed in a PIL related to the solid waste management system. The petitioner seeks direction that a proper solid waste management system be put in place in every district so that all types of solid waste are segregated and are properly utilized. DB while hearing PIL took serious note and observed that despite repeated directions, respondents have not come out with any vision plan in relation to the disposal of solid waste.

Musical Shiv Katha organized at Shiv Shakti Temple



Nikhil Sharma presenting Shiv Tandav during a katha.

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JAMMU: At the end of the month of Shravan, a musical Shiv Katha was organized under the aegis of the Temple Management Committee at Shiv Shakti Temple, Sector-2, Gangyal. A musical Shiv Katha was performed by Pandit Sunil Shastri. During Katha, the devotees were immersed in

devotion. At the same time, after the conclusion of the Katha, on Tuesday, on behalf of the committee, the artist Nikhil Sharma gave a powerful presentation of Shiv Tandav which was appreciated by the audience. Hundreds of devotees took Prasad with the chanting of Bholenath in the Bhandara held on the occasion.

Political, social, business bodies celebrate I-Day with gaiety

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JAMMU: Various political, social, trade unions and business organizations celebrated the 75th Independence Day with fervour and great Charm across Jammu region.

Chamber of Commerce and Industries (CCI), Jammu celebrated 76th Independence Day with great fervour. An impressive pro-



CCI President Arun Gupta hoisting National Flag.

gramme was organized at the Chamber House which commenced with hoisting of National Flag by Arun Gupta, President Chamber of Commerce and Industries Jammu in presence of other office bearers and senior members.

Kashmiri Pandit Sabha Jammu under leadership of its President



KPS Jammu President K K Khosa hoisting Tiranga.

K K Khosa hoisted Tiranga in its premises. A large gathering including members of executive committee and locals were also present on the occasion. The Independence Day was celebrated with enthusiasm at RSS headquarters Jammu with Dr Goutam Mengi, Snaghehalak hoisting National Flag. Prnat Karyavah Dr Vikrant along with Maheshwar; Head Prant office, beside other officials and Swayamsevaks were also present on the occasion. Later sweets were distributed among participants.



BJP senior leader Baldev Singh Billawaria hoisting Tricolour.

Bharatiya Janata Party (BJP) senior leader Baldev Singh Billawaria hoisted Tricolour in different areas of R S Pura. He attended Independence Day celebrations at Gangyal, Govt Middle School Bandhuraikh Beli Charana, Kunjwani, Babliana, Samadhi



DLSA Udhampur Yash Paul Bourney (Pr. District & Sessions Judge Udhampur) hoisting the National Flag.

Jeevan Nagar and Model Town.

District Court Udhampur in collaboration with District Legal Services Authority Udhampur celebrated Independence Day at Udhampur Court premises wherein Chairman, District Legal Services Authority Udhampur Yash Paul Bourney (Pr. District & Sessions Judge Udhampur) hoisted the National Flag in presence of Sub Judge Rajni Sharma, Secretary DLSA and other judicial officers, Bar members and Court Staff.

Bharatiya Janata Party (BJP),



BJP leaders reciting National Anthem after hoisting Tiranga.

Jammu & Kashmir celebrated the Independence Day with fervour with its senior leaders hoisting the National Flags in every area, every region of Jammu & Kashmir: At party headquarters Trikuta Nagar; mother of Kargil war martyr Major Ajay Jasrotia hoisted National Flag in presence of J&K BJP President Ravinder Raina, former Dy Chief Minister of J&K Kavinder Gupta and other senior leaders of the party. At party office Kachi Chawni, former Minister Sat Sharma and former MP Shamsheer Singh Manhas accompanied by other senior leaders hoisted the National Flag. At City Chowk, MP Jugal Kishore Sharma, J&K BJP Vice President Yudhvir Sethi, Priya Sethi accompanied by other senior leaders hoisted National Flag.

Chairperson of Jammu & Kashmir Waqf Board Dr Darakhshan Andrabi hoisted National Flag at two important events held at



Chairperson of JKWB Dr Darakhshan Andrabi hoisting National Flag.

J&K Waqf Headquarters and at Sultan-ul-Aarifeen Waqf Higher Secondary School, Srinagar. CEO Dr Majid Jahangir; Tehsildar Waqf Ishtiaq Mohiuddin and other officers, administrators and officials were also present on the occasion.

To commemorate the monumental occasion of 75th anniversary



CEO SMVDSB, Anshul Garg taking salute at march past.

of India's Independence under aegis of 'Azadi Ka Amrit Mahotsav', Anshul Garg, Chief Executive Officer; **Shri Mata Vaishno Devi Shrine Board** hoisted the tricolour with traditional fervour and patriotism at Katra. Others present on the occasion included Vimal Indu, President Municipal Committee Katra; Nameet Singh Additional CEO, Anprej Singh SDM Katra, Anit Bhasin, Yad Ram Bunker, Dr Sunil Sharma, Dr Jagdish Mehra; Vishavjeet Singh, Mahesh Sharma and Ajay Salan. A number of local and official from Municipal Committee Katra, Civil and police administration besides heads of various educational institutions also attended the function. Later, Anshul Garg, also hoisted tricolour at the Central Office of Shrine Board at Katra.

76th Independence Day of India was celebrated at **Employees Provident Fund Organization, Regional Office, Jammu** by staff with zeal. The flag was hoisted by Regional PF Commissioner; Rizwan Uddin followed by recitation of National Anthem. Nimisha Anand, Additional PF Commissioner also spoke on the occasion. Others present on the occasion included Bipin Kumar, Sanjeev Kumar, Arun Kumar, Arpit Singhal, Mukesh Kumar, Mini S, S Tamiliselvam, Raja Ramanna, Dharmendra Kumar, Arman Alam, Arpit Singhal, Kanchan, Shilpi, Deepak, Shubam, Rahul, Shakti and Simon.

Indian Institute of Management (IIM) Jammu celebrated completion of the glorious 75 years of Indian Independence as part of the 'Azadi Ka Amrit Mahotsav' and tricolor was hoisted by Professor B S Sahay, Director IIM Jammu, in presence of faculty, staff and students of IIM Jammu.

Th Gulchain Singh Charak, Former Minister and President of **Dogra Sadar Sabha J&K** hoisted National Flag at Dogra Hall besides paying tributes to freedom fighters. Prominent among others present on the occasion included Col Karan Singh, Prem Sagar

Gupta, Gambhir Dev Singh (I/c Youth Wing DSS), Amanat Ali Shah, Vidya Sagar Sharma, Pawan sharma, Chaman Lal, Gurmeet Singh and Satinder Mahajan.

All Jammu-based units of CRPF celebrated 76th Independence Day (Azadi Ka Amrit Mahotsav) with full vigour and enthusiasm. National Flag was hoisted at all the locations. A programme was organized at Group Centre CRPF Campus Jammu, wherein P S Ranpise, IGP Jammu Sector was the Chief Guest and hoisted the flag at Quarter Guard in presence of senior officers, subordinate officers and Jawans of CRPF Campus Jammu. On the occasion, 75 Peepal saplings were provided to Group Center CRPF by 'Peepal Save People Foundation Trust Jammu'. Others present on the occasion included Bhanu Pratap Singh DIG, T N Khutia DIG, Pradeep Chandra DIG, Ashok Sanyal DIG, Rakesh Sethi DIG, Sunnad Kumar; Prem Chandra Gupta, Dr Hira Raja, Dr M K Singh and Pritam Singh, Founder of Peepal Save People Foundation Trust.

Dogra Brahman Pratinidhi Sabha, Chanakaya Chowk, Parade, Jammu hoisted National Flag in the premises of Sabha in presence of all members and prominent personalities, led by President Ved Parkash Sharma. Others members present on the occasion included Varinder Magotra, N C Sharma, M L Sharma, P C Sharma, Chander Mohan Sharma, Satya Nand Sharma, Pt Som Nath, B S Janwal, Shiv Ram Sharma, Jagan Nath Sharma, Soujanya Sharma, M L Padha, Brita Ram, Prem Balotra, Shankar Dutt Sharma, Shanti Saroop Baru, K L Sharma, Subash Shastri, Gurdas Sharma, Sat Pal Sharma, Raman Sharma, Ramesh Chander Sharma, Ritiz Khajuria (Anku), Rajesh Badgotra and Sunil Sharma.

Jammu Central Mahajan Sabha under the chairmanship of Romesh Chander Gupta President of Sabha, accompanied with Yash Pal Gupta (Chief Patron), Rattan Lal Gupta Advocate (Patron), Shiv Partap Gupta (Senior Vice President), Kulbushan Gupta (Mannu) Vice President, Surinder Gupta (Vice President), Rajesh Choudhary (Vice President), Dinesh Gupta (Vice President), Yash Pal Gupta (Superintendent), C P Gupta (Vice President), Mukesh Mahajan (Press Secretary) and Vijay Gupta, Satish Gupta and Darshan Gupta (Incharge Marriage Beuren) and Dr Bimal Gupta (Secretary) hoisted National Flag at Mahajan Bhawan, Jammu. Others present on the occasion included Shanti Parkash Gupta, Arun Kumar Gupta, Vinod Gupta



JCMS members hoisting Tricolour.

(Rajouri Wale), Atul Gupta, Balkrishan Gupta, Krishan Lal Gupta, Bhushan Pargal, Arun Gupta and Bhuvanawar Beotra.

The Independence Day was celebrated at **Ramakrishna Mission Library, Jammu** led by its Secretary, Swami Yajnadharamanda. The event was attended by a large number of cadets from infantry wing of NCC of SPMR College. The main attraction of the day was Odissi dance presentation by Jagat Jyoti Banerjee from Kolkata. Others present on the occasion included Suresh Sharma President Ramakrishna Mission Jammu, Deepak Kumar and Abhinandan Nautiyal.

Airports Authority of India (AAI) celebrated 76rd Independence day with traditional flavour and patriotism at Civil Airport Jammu. Sanjeev Kumar Garg, Airport Director Jammu hoisted National Flag in presence of staff of AAI, CISF and various airlines.

Block Congress Committee Marh in association with Youth Congress Committee Marh took out a Tiranga rally, to mark 75 years of independence. Former Minister Mula Ram flagged-off the rally, which was attended by a number of locals and party activists. Other senior leaders present on the occasion included Hari Singh



Airport Director Jammu, S K Garg hoisting National Flag.

Chib, Rajinder Kumar Happy, Kuldeep Bhagat, Udhay Chib, Rattan Lal Sharma, Bittu Ram Pal, Jagadish, Gopal, Pradeep Salaria, Balkar Singh, Choudhary Deva Singh, Sagar Choudhary,



Former Minister Mula Ram during Tiranga rally event.

Shamsher, Janak Singh, Shashi Kant, Sunny Jatt and Ajay Lakhotra.

75th Independence Day of India was celebrated in solemn and dignified way at **Range Police Headquarters, Batote**. Dr Sunil Gupta, DIG DKR Range hoisted National Flag followed by recitation of National Anthem. Staff officer to DIG DKR Range Dy SP Mohd Aslam was also present on the occasion. Others present on the occasion included Insp Pardeep Gupta, Ashwani Kumar, Rajesh Sharma, Ajay Gupta, Gh Nabi, Sham Lal, Mushtaq Ahmed, Bimal Kumar, Gh Fareed, Angrez Singh, Sunil Kumar, Roshan Lal, Angez Singh, Paras Ram and Manoj Kumar.

The management of **Swami Vivekananda Medical Mission, Charitable Hospital Ved Mandir, Amphalla** celebrated Independence Day at its premises. On the occasion, National Flag was hoisted by President of Mission, Anil Gupta in presence of other members, doctors and paramedical staff. Amar Chand Gupta, senior Vice President and B B Gupta, General Secretary also spoke on the occasion.

On Independence Day, a function was organised at **JKAP 4th Sec Bn Headquarters, Channi Himmat, Jammu** where Ashok Kumar Sharma, Commandant hoisted the National Flag, followed by cultural and debate session, which was attended by 75 personnel.

Trikuta Nagar Welfare Society (TNWS) celebrate 75th Independence Day at its office complex, during which tricolour was hoisted by Rajinder Parshad Kakkar President TNWS. The function was attended by a number of office bearers and Executive member besides a large number of locals. President TNWS also inaugurated a camp of Regional & Urban Development Agency (RUDA) Jammu to collect solid & dry wastes from residents. Others present on the occasion included Neha Sharma from RUDA, Anoop Khajuria, Ashok Kumar Arora, Som Nath Kaul, Vijay Gupta, Krishan Lal Gupta, O P Sharma, Deepak Daftari, Vijay Ojha and N K Bali.

Jammu & Kashmir Dharmarth Trust celebrated 76th Independence Day with full patriotic fervour at Trust's Central Office, Shalamar Road. On the occasion, National Flag was hoisted by Senior Advocate Ajay Gandotra, President of Trust in presence of a number of employees.

7th Bn SSB under guidance of Commandant Shiv Dayal distributed National Flag under aegis of 'Azadi Ka Amrit Mahotsav' at different places including Govt Higher Secondary School Channi



7th Bn SSB officers and students during flag distribution.

Himmat, K B Public School, Gujjar Colony, Government Higher School Sunjwan and Vishal Mega Mart. The flag distribution programme was carried out under supervision of Amarjit Singh Dy Commandant, Ramesh Kumar, Charan Singh Pageria and other personnel.

On the occasion of 76th Independence Day of India, Anwar Aftab Shah **Deputy Director Forest Protection Force Gama Unit J-II** Reasi unfurled the National Flag at FPF unit HQ Reasi premises. The Assistant Directors of Forest Protection Force Reasi Bakshi Jagreet Kumar, Bashir Ahmad and Afaq Ahmad Khan and



Deputy Director FPF Gama Unit J-II Reasi, Anwar Aftab Shah hoisting National Flag.

Jawahar Singh also participated in the occasion.