

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL,
NEW DELHI**

O.A. No. 362 /2022

IN THE MATTER OF :-

Aravalli Bachao Citizens Movement

.....Applicant

Versus

Union of India & Ors.

....Respondents

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Place: Panchkula
Dated: 30.04.2024


(Pardeep Kumar)
Secretary to Haryana Government
Environment, Forest and Wildlife Department

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Action Taken Report by Pardeep Kumar, Secretary to Haryana Government, Environment, Forest and Wildlife Department.

I, Pardeep Kumar, Secretary to Haryana Government, Environment, Forest and Wildlife Department do hereby state as under:-

1. The Hon'ble NGT vide order dated 22.03.2024 in the matter of OA No. 362/2022 titled as Aravalli Bachao Citizens Movement vs Union of India & Ors has directed as under:
 - "2. We find above said report to be materially deficient as no action has yet been taken for imposition of environmental compensation on persons found to have carried out illegal mining.
 3. Further in the report there is no mention regarding holding of any meeting of the Joint Committee constituted by this Tribunal vide para 24 of its order dated 11.12.2023.
 4. In SOP reference has been made to Rule 104 of the Haryana Minor Mineral Concession, Stocking and Transportation of Minerals and Prevention of Illegal Mining Rules, 2012 which exempts registration of FIRs on First and Second offence. Question of the same being ultra-virus the constitution/the parent Act and violative of the directions issued by the Hon'ble Supreme Court and this Tribunal needs to be examined.
 5. The SOP prepared is also materially deficient and needs review particularly with respect to the aspect of realization of environmental compensation as it inhibits concerned Deputy Commissioner from recovering environmental compensation immediately on default and mandates him to take action in case of failure to deposit EC after six months."
2. That in compliance to direction no. 2 of Hon'ble National Green Tribunal, Department of Mines & Geology is imposing environmental compensation on the vehicles found engaged in transportation of illegal mined material in

compliance of order dated 19.2.2020 of Hon'ble National Green Tribunal in MA no. 16/2020 in OA no. 44/2016. The details of the environmental compensation imposed on the person/agency transporting illegal mined material, which is annexed as per **Annexure R-I**.

Further, Department of Environment & Climate Change, Govt. of Haryana, has issued orders vide Memo no. 16/10/2022-Env dated 27.06.2022 for adopting approach II mentioned in OA no, 360 of 2015 for imposing environmental compensation on illegal mining and nominated Haryana State Pollution Control Board (HSPCB) as nodal agency for formulation for projects, maintaining the accounts, releasing of funds (after approval of Govt.) and supervise expenditure by line department/implementing agencies (copy of order dated 27.6.2022 is enclosed as per **Annexure R-II**).

3. That in compliance to direction no.3 i.e holding the meeting of the Joint Committee, constituted by the Hon'ble National Green Tribunal vide para no. 24 of order dated 11.12.2023, it was submitted that two meetings of the Joint Committee have been held on 4.1.2024 and 16.2.2024 and the minutes of these meetings are annexed as per **Annexures R-III & R-IV**.
4. That in compliance to direction no. 4, wherein, there is mention of rule 104 of the Haryana Minor Mineral Concession, Stocking and Transportation of Mineral and Prevention of Illegal Mining Rules, 2012 in SOP, in which the action regarding registration of FIR and handing over all such tools, equipments, vehicles or any other thing used for such un-authorized operation has been mentioned to be taken for causing an offence by a person for the third time or more. Whereas, Hon'ble National Green Tribunal in its order dated 22.3.2024 has observed that the same is being ultra-virus the constitution/the parent Act and violative of the directions issued by the Hon'ble Supreme Court and Hon'ble Tribunal and it has been directed to examine the same.

Mining Department, Govt. of Haryana has examined the Hon'ble National Green Tribunal order dated 26.2.2021 in OA no. 360 of 2015 in the matter of National Green Tribunal Bar Association Vs Virender Singh (State of Gujrat), wherein, Hon'ble National Green Tribunal in para no. 9.6 has directed to take action against illegal excavation and transportation of

minor minerals to achieve deterrence against illegal business, which is mentioned as under:

"The action should be taken under all legal options available simultaneously. Thus, after identifying the case of illegal excavation, storage and/or transport of minor minerals (including sand), fine should be levied as per the land revenue laws/code(s) of the state. In addition, FIR should be lodged in the police station under relevant sections of law including sec 379 IPC. In addition, action under the Motor Vehicle Act, 1989 and relevant rules should initiate to cancel/suspend the driving license of the driver and permit of the vehicle. Further, action should be initiated under provisions in the Income Tax Act, 1961 for unaccounted income and under the Central Goods and Services Act, 2017 for nonpayment of GST. (Earlier this was done under the state act pertaining to Value Added Tax/Sales Tax). Habitual offenders should also be taken up under local state laws for externment and/or preventive action. It is clarified that as per law, it is possible to take all actions under various laws simultaneously for one offence. What is prohibited in law is an action under the same law for the same act more than once".

It is mentioned here that the Haryana Minor Mineral Concession, Stocking and Transportation of Mineral and Prevention of Illegal Mining Rules, 2012 have been framed by Govt. of Haryana through Department of Mines and Geology, wherein, as per rule,104 of said rules, the action regarding registration of FIR and handing over all such tools, equipments, vehicles or any other thing used for such un-authorized operation has been mentioned to be taken for causing an offence by a person for the third time or more.

Therefore, in view of order dated 26.2.2021 of the Hon'ble National Green Tribunal in OA no. 360 of 2015 in the matter of National Green Tribunal Bar Association Vs Virender Singh (State of Gujrat). The Department of Mines & Geology may revisit the rule 104 of Haryana Minor Mineral Concession, Stocking and Transportation of Mineral and Prevention of Illegal Mining Rules, 2012 and take up the matter with the Government.

5. That in compliance of direction no.5, of the Hon'ble National Green Tribunal with regard to SOP prepared by the HSPCB, it is submitted that environmental compensation on illegal mining is imposed in view of the directions of Hon'ble National Green Tribunal in its order dated 26.2.2021 in OA no. 360 of 2015. However, as a deterrence, after the expiry of 30 days of its issuing the directions for depositing Environmental Compensation amount by the project proponent/person involved in illegal mining, the concerned Deputy Commissioner shall recover the environmental compensation amount in accordance with the provisions of the Haryana Land Revenue Act, 1969 or any other similar Act for the time

being enforce. The copy of amended SOP is annexed as per **Annexure R-V**.

6. That in compliance to the direction of the Hon'ble National Green Tribunal as mentioned in para .no. 12, Department of Mines & Geology has submitted that vehicles only fitted with GPS are allowed to carry minor minerals for supplying the same to the stone crushers/screening plants in all the three Districts Faridabad, Gurugram and Nuh and an office order in this regard has been issued to all the concerned. A copy of said order is annexed as per **Annexure R-VI**.

In view of the submission made herein above, it is requested that the details submitted may kindly be taken on record.

Place: Panchkula
Dated: 30.04.2024


(Pardeep Kumar)
Secretary to Haryana Government
Environment, Forest and Wildlife Department

Through e-mail

From

The Director General,
Mines and Geology Department, Haryana,
Plot No. 9, DHL Square, 2nd Floor, I.T. Park,
Sector-22, Panchkula

To

The Chariman,
Haryana State Pollution Control Board,
C-11, Sector-6, Panchkula, Haryana - 134109,

Memo No. DMG/HY/O.A 362 of 2022/II/2068
Dated Panchkula, the 26-04-2024

Subject: 2nd Meeting regarding Hon'ble NGT order dated 22.03.2024 in the OA No. 362 of 2022 titled as Aravali Bachao Citizen Movement vs Union of India & Ors. to be held on 25.04.2024 at 12:00 Noon.

Reference your email dated 24.04.2024 on the subject cited above.

2. The information pertaining to recovery of Environment Compensation amount in compliance with the orders dated 19.02.2020, in respect of Distt. Gurugram, Nuh and Faridabad is as under:-

(i) Distt. Gurugram

Sr. No.	Year (April to March)	No. of vehicles deposited environment compensation	Total Amount
1.	2019-2020	57	1,63,00,000
2.	2020-2021	169	5,33,00,000
3.	2021-2022	56	1,84,00,000
4.	2022-2023	22	59,00,000
5.	2023-2024	31	31,00,000
6.	Apr-24	0	0
	Total	335	9,70,00,000

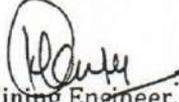
(ii) Distt. Nuh

Sr. No.	Year (April to March)	No. of vehicles deposited environment compensation	Total Amount
1.	2019-2020	41	1,13,00,000
2.	2020-2021	45	1,21,00,000
3.	2021-2022	4	14,00,000
4.	2022-2023	3	8,00,000
5.	2023-2024	17	24,00,000
6.	Apr-24	1	4,00,000
	Total	111	2,84,00,000

(iii) Distt. Faridabad

Sr. No.	Year (April to March)	No. of Vehicles Deposited Environment Compensation	Total Amount
1.	2019-20	50	1,49,00,000
2.	2020-21	194	5,15,00,000
3.	2021-22	49	1,43,00,000
4.	2022-23	7	23,00,000
5.	2023-24	4	12,00,000
6.	2024-25	1	4,00,000
		305	8,46,00,000

3. Further w.r.t plying of only GPS Fitted vehicles, it is informed that this office vide order dated 08.04.2024 has ordered that with effect from 15.04.2024, only GPS fitted vehicles will be allowed to carry minerals in the districts of Faridabad, Gurugram & Nuh and in case of non compliance of this order, vehicles will be seized by the police after 15.04.2024.


State Mining Engineer,
for Director General, Mines & Geology,
Haryana.

HSPCB
 File No. HSPCB-030001/110/2021-PLANNING CELL-HSPCB (Computer No. 303966) 677
 29/05/2022/Estt.B/HSPCB

From Additional Chief Secretary to Govt. of Haryana,
 Environment Department

To Chairman,
 Haryana State Pollution Control Board,
 C-11, Sector-6, Panchkula.

No. 16/10/2022-3Env.

Dated: 27.06.2022

Subject:- Direction of CPCB issued under Section 5 of the Environment (Protection) Act, 1986 regarding development of mechanism for assessment and recovery of compensation as per Hon'ble NGT order dated 26.02.2021 in O.A. No. 360/2015 - reg.

Reference your letter No. HSPCB-030001/110/2021-PLANNING CELL-HSPCB/Estt. /2018 /EG-08/3198 dated 20/06/2022 on the subject noted above.

2. Government accords approval for adopting approach II mentioned in the NGT orders dated 26.02.2021 in OA No. 360 of 2015 in respect of development of mechanism for assessment and recovery of compensation. You are therefore, requested to take further necessary action accordingly.

3. Haryana State Pollution Control Board shall be the Nodal agency for formulation for projects, maintaining the accounts, releasing of funds (after approval of Govt.) and supervise expenditure by line departments/implementing agencies.

Kamal Dev
 Superintendent, Environment
 for Additional Chief Secretary to Govt., Haryana
 Environment and Climate Change Department

Endst. No. 16/10/2022-3Env.

Dated: 27.06.2022

A copy is forwarded to the following for further necessary action: -

1. Chief Secretary to Govt., Haryana.
2. Addl. Chief Secretary to Govt., Haryana, Environment & Climate Change Department, Haryana.
3. Addl. Chief Secretary to Govt., Haryana, Mines and Geology Department, Haryana.
4. Director General, Environment & Climate Change Department, Haryana.
5. Director General, Mines and Geology Department, Haryana.

Kamal Dev
 Superintendent, Environment
 for Additional Chief Secretary to Govt., Haryana
 Environment and Climate Change Department

3

File No. HSPCB-030001/110/2021-PLANNING CELL-HSPCB (Computer No. 303966) 678
2463107/2022/Estt.B/H-HSPCB

Endst. No. 16/10/2022-3Env.

Dated: 27.06.2022

A copy is forwarded to Central Pollution Control Board, New Delhi w.r.t. letter No. CPCB IPC-II/NGT-OA(360/2015)/2021/2038 dated 11.06.2021 for further necessary action.

Kamal Dev

Superintendent, Environment
for Additional Chief Secretary to Govt., Haryana
Environment and Climate Change Department

Endst. No. 16/10/2022-3Env.

Dated: 27.06.2022

A copy is forwarded to Deputy Commissioner's in the State of Haryana for further necessary action.

Kamal Dev

Superintendent, Environment
for Additional Chief Secretary to Govt., Haryana
Environment and Climate Change Department

HSPCB-090002(0007)/14/2022-WATER CELL-HSPCB

1/240411/2024



HARYANA STATE POLLUTION CONTROL BOARD
C-11, SECTOR-6, PANCHKULA
 Website –www.hspcb.gov.in E-Mail: hspcbwatercell@gmail.com
 Ph: 0172-2577870-873

Dated:

To

1. Principal Chief Conservator of Forest, Sec-06, Panchkula
2. Divisional Commissioner, Gurugram Division, Gurugram
3. Divisional Commissioner, Faridabad Division, Faridabad
4. Inspector General of Police, Law and Order, Haryana, Panchkula
5. Director, Mining and Geology Department, Haryana, Chandigarh
6. Chief Conservator of Forest (South), Haryana.
7. Regional Officers, HSPCB, Gurugram North, Gurugram South, Faridabad, Ballabgarh, Nuh, Mohindergarh, Rewari & Charkhi Dadri.

Sub: Proceedings of the meeting regarding in the matter of OA No. 362 of 2022 titled as Aravalli Bachao Citizens Movement Vs Union of India & Others.

Kindly refer to the subject noted above.

In this connection, I have been directed to enclose herewith the copy of minutes of meeting held under the Chairmanship of Sh. Vineet Garg, IAS, Additional Chief Secretary, Environment, Forest & Wildlife Department, Haryana at 01:00 PM on 04.01.2024 in Mini Secretariat, Sector-17, Chandigarh in the matter of OA No. 362 of 2022 titled as Aravalli Bachao Citizens Movement Vs Union of India & Others for information and compliance please.

DA/As above

Env. Engineer (HQ)
For Chair

Endst No.

Dated:

A copy of the above is forwarded to the following for information, please:-

1. PS to ACS, Environment, Forest & Wildlife Department, Govt. of Haryana, Chandigarh
2. PS to Chairman, HSPCB
3. PA to Member Secretary, HSPCB.

Env. Engineer (HQ)
For Chairman

Signed by

Ashwani

Date: 09-01-2024 14:36:51

HSPCB-090002(0007)/14/2022-WATER CELL-HSPCB

1/240272/2024

Minutes of the meeting of the Monitoring Committee held under the Chairmanship of Additional Chief Secretary, Environment, Forest and Wildlife Department, Haryana in compliance of the NGT order dated 11.12.2023 passed in OA no. 362 of 2022 in the matter of Aravali Bachao Citizens Movement, held in his office room at Sector-17, Chandigarh on 4.1.2023 at 1:00 PM.

The list of participants is at Annexure-1.

At the outset, the Additional Chief Secretary, Environment, Forest and Wildlife Department, Haryana welcomed all the participants and apprised that the Hon'ble National Green Tribunal in its order dated 11.12.2023 in OA no. 362 of 2022 in the matter of Aravali Bachao Citizens Movement, as mentioned in para no. 24, has constituted a Monitoring Committee as under.

Sr. no.	Name of the officers	Chairman/Member
1	Additional Chief Secretary/Principal Secretary, Environment, Forest and wildlife Department, Haryana	Chairman
2	Divisional Commissioner, Gurugram Division, Gurugram	Member
3	Divisional Commissioner, Faridabad Division, Faridabad	Member
4	Inspector General of Police, law and Order, Haryana	Member
5	Director, Mining and Geology Department, Haryana	Member
6	Member Secretary, HSPCB	Member Secretary
7	Chief Conservator of Forest (South) Haryana	Member

The Hon'ble National Green Tribunal has further directed that the Committee shall meet periodically with such intervals as may be considered appropriate, with at least one meeting every quarter and look into all the relevant aspects of enforcement and monitoring to prevent illegal mining and transportation, reclamation/rejuvenation of illegally mined areas and imposition and realization of environmental compensation. The Member Secretary, HSPCB being the the Member Secretary of the Committee, shall be the nodal officer for coordination and compliance.

Detailed deliberations on all the relevant aspects of enforcement and monitoring to prevent illegal mining and transportation, reclamation/rejuvenation of illegally mined areas and imposition and realization of environmental compensation were made and the following decisions were taken:

HSPCB-090002(0007)/14/2022-WATER CELL-HSPCB

240272/2024

- i. All the directions/orders issued by the Hon'ble Supreme Court of India, Hon'ble Punjab & Haryana High Court and the Hon'ble National Green Tribunal in this regard may be compiled within 01 month.
- ii. Methodology to be adopted for enforcement and monitoring to prevent illegal mining and transportation may be finalized within 01 month.
- iii. Aravali Rejuvenation Action Plan for each District may be finalized by the Deputy Commissioner of concerned district considering the recommendations made by the State Level Committee and the implementation of various activities mentioned in the Rejuvenation Plan may be started by the concerned departments.
- iv. For imposition and realization of environment compensation, SOP may be prepared by the HSPCB and circulated to all the Regional Offices of HSPCB along with other concerned departments within 10 days.
- v. The aspects to be included to monitor the compliance of environment norms may be tabulated by the concerned departments within 15 days. HSPCB shall coordinate the matter.

It was further decided that the committee will meet again on 30th jan at 11.30 am to review the progress in this regard. The meeting end with a vote of thanks to the chair and all the participants.

HSPCB-090002(0007)/14/2022-WATER CELL-HSPCB

14

I/243822/2024



HARYANA STATE POLLUTION CONTROL BOARD
C-11, SECTOR-6, PANCHKULA
 Website – www.hspcb.gov.in E-Mail: hspcbwatercell@gmail.com
 Ph: 0172-2577870-873

Dated:22.02.2024

To

1. Principal Chief Conservator of Forest, Sector-06, Panchkula
2. Divisional Commissioner, Gurugram, Division, Gurugram
3. Divisional Commissioner, Faridabad, Division, Faridabad
4. Director, Mines & Geology Department, Haryana, Chandigarh
5. Inspector, General of Police, Law and order, Haryana, Panchkula
6. Deputy Commissioners, Gurugram, Faridabad, Nuh, Mahendergarh, Bhiwani, Rewari & Charkhi Dadri.
7. Chief Conservator of Forest (South), Gurugram
8. Regional Officers, HSPCB, Gurugram North, Gurugram South, Faridabad, Ballabgarh, Nuh, Mohindergarh, Rewari & Charkhi Dadri

Sub: Minutes of the meeting of the Committee, constituted by the Hon'ble National Green Tribunal held under the Chairmanship of Additional Chief Secretary, Environment, Forest and Wildlife Department, Haryana in matter of OA no. 362 of 2022 in the matter of Aravali Bachao Citizens Movement v/s Union of India & Ors. in his office at Sector-17, Chandigarh on 16.2.2024 at 11:30 AM.

Kindly refer to the subject noted above.

In this connection, I have been directed to enclose herewith the copy of minutes of the meeting of the Committee, constituted by the Hon'ble National Green Tribunal held under the Chairmanship of Additional Chief Secretary, Environment, Forest and Wildlife Department, Haryana in matter of OA no. 362 of 2022 in the matter of Aravali Bachao Citizens Movement v/s Union of India & Ors. in his office at Sector-17, Chandigarh on 16.2.2024 for information and compliance please.

DAAs above

Signed by
 Jatinderpal Singh
 Sr. Env. Engineer (HQ)
 Date: 22-02-2024 10:21:49
 For Chairman

Minutes of the meeting of the Committee, constituted by the Hon'ble National Green Tribunal held under the Chairmanship of Additional Chief Secretary, Environment, Forest and Wildlife Department, Haryana in the matter of OA no. 362 of 2022 Aravali Bachao Citizens Movement v/s Union of India & Ors. in his office at Sector-17, Chandigarh on 16.2.2024.

The list of participants is as per **Annexure-1**.

At the outset, Additional Chief Secretary, Environment, Forest and Wildlife Department, Haryana welcomed all the participants and informed that in compliance of order dated 11.12.2023 in OA no. 362 of 2022 in the matter of Aravali Bachao Citizens Movement, as mentioned in para no. 24, the first meeting of the committee was held on 4.1.2024, wherein, certain decisions were taken, which were sent to all the concerned departments for compliance.

Thereafter, Dr. Babu Ram, Technical Expert, HSPCB informed that in compliance of the decisions taken in the last meeting held on 4.1.2024 and follow up meeting taken by the Chairman of the Board on 18.1.2024, action taken report has been prepared by the concerned departments and these action points were taken up for discussion in the meeting of the Committee on 16.2.2024 as under.

- 1. All the directions/orders issued by Hon'ble Supreme Court of India, Hon'ble Punjab & Haryana High Court and Hon'ble National Green Tribunal w.r.t imposition and realization of environment compensation on illegal mining and transportation may be compiled within 01 month.**

It was submitted that the directions/orders issued by Hon'ble Apex Court and Hon'ble National Green Tribunal with regard to enforcement and monitoring of the compliance with environmental norms on illegal mining issues have been downloaded and the various orders have been compiled and the same is enclosed herewith as per **Annexure-2**.

The detailed discussion on the various directions/orders of Hon'ble Supreme Court of India and Hon'ble National Green Tribunal in various matters was held and it was decided as under.

The compiled report may be sent to Mines & Geology Department and department of Forest, Haryana and these departments may submit the action taken report on the directions (issued by Hon'ble Supreme Court and Hon'ble National Green Tribunal) which have not been complied so far with timelines for completion of the same within 15 days so that the same may be placed before the committee to decide further course of action in the matter.

- 2. Methodology to be adopted for enforcement and monitoring to prevent illegal mining and transportation may be finalized within 01 month.**

It was informed that the Ministry of Environment, Forest and Climate Change, Government of India have formulated Sustainable Sand Mining Management Guidelines, 2016 and Enforcement & Monitoring Guidelines for Sand Mining, 2020 and the same are under implementation by the State Governments. From these guidelines, a gist/document, mentioning the precautionary/preventive measures to

be taken to control illegal mining and transportation of illegal mined material has been prepared (**Annexure-3**) and the same was placed before the Committee for discussion.

The Committee perused the various preventive measures as delineated in the document (Annexure-3). Detailed discussion was held on the preventive measures, as mentioned in the document, to control illegal mining and transportation of illegal mined material and it was decided that the said document may be sent to Department of Mines & Geology and Department of Forest to submit the action taken report on all the 23 points of the document within 15 days.

- 3. Aravali Rejuvenation Action Plan of each District may be finalized by the Deputy Commissioner of concerned District based on the recommendations made by the State Level Committee and implementation of various activities mentioned in the Rejuvenation plan may be started implemented by the concerned departments.**

It was apprised that the recommendations of the State Level committee, as mentioned in the minutes of the meeting of the committee held on 30.12.2023, have been sent to all the Deputy Commissioners of 07 Districts on 22th Jan, 2024 with the request to prepare the final District Rejuvenation Plan of each District. Deputy Commissioners/ concerned officers of all these 07 districts apprised about the progress w.r. t rejuvenation measures taken at illegal mined sites (same is available in district rejuvenation plan of each district). Deputy Commissioner, Nuh further submitted as under:-

- In order to prevent illegal mining in the area, Home Guard may be deployed so that effective enforcement and surveillance may be ensured in the District.
- Due to non availability of enough water and arid climate of the District, plantation of trees for rehabilitation/rejuvenation of illegal mined sites is not possible in these days and the same may be planted in the monsoon season.

The Committee held detailed discussion on the above issues and it was decided as under.

- i. **The Deputy Commissioner of all the 07 Districts shall submit District Rejuvenation Plans of the Districts, falls under Aravalli region, by 29.2.2024.**
 - ii. **PCCF shall make necessary arrangements to deployed adequate number of home guards in District Nuh for effective enforcement and surveillance in the District to prevent and control illegal mining within 02 months.**
 - iii. **Department of Forest and Mines and Geology Department of all 7 Districts shall jointly rejuvenate/rehabilitate illegal mined sites with plantation of adequate number of plants in the month of July and August, 2024.**
- 4. For imposition and realization of environment compensation, SOP prepared by HSPCB may be circulated all the Regional offices of HSPCB alongwith other concerned departments within 10 days.**

It was informed that HSPCB has prepared SOP for imposition and realization of environmental compensation of illegal mining activities and the same shall be submitted before Hon'ble National Green Tribunal in compliance of order dated

11.12.2023 in OA no. 362 of 2022 before the next date of hearing on 22.3.2024 for further directions of the Hon'ble Tribunal.

The Committee noted the compliance and directed that SOP prepared by HSPCB may be sent to all concerned departments including Regional offices of HSPCB to take further action within 15 days.

5. **The aspects to be included to monitor the compliance of environment norms may be tabulated by the concerned departments within 15 days. HSPCB shall coordinate the matter.**

It was submitted that the departments namely HSPCB, Mines & Geology Department and Department of Forest have submitted check list concerning to their departments to monitor the compliance of environment norms.

It was decided that all the departments (HSPCB, Mines & Geology Department and Department of Forest) may sent the check list, prepared by them, for monitoring of compliance of the environmental norms as per the Aravalli Rejuvenation Plan of each district to their field officers of 07 districts to take prompt action on all the action points mentioned in the check list.

6. **Compliance to the directions issued by Hon'ble National Green Tribunal in its order dated 9.1.2024 in the matter of OA no. 362 of 2022 titled as Aravali Bachao Citizens Movement Vs Union of India and Ors**

It was apprised that the order dated 9.1.2024 in OA no. 362 of 2022 has been sent to all the concerned departments through email dated 22.1.2024 to take further action on the directions of the Hon'ble National Green Tribunal.

The Committee noted the compliance and it was decided that all the concerned departments as mentioned in order dated 9.1.2024 in OA No. 362 of 2022 shall comply with the directions issued by Hon'ble National Green Tribunal well before next date of hearing on 22.3.2024 and action taken report may be submitted to Hon'ble Tribunal well before the next date of hearing on 22.3.2024.

7. **Prevention of illegal mining and transportation, reclamation/ rejuvenation of illegal mined areas and imposition and realization of environment compensation.**

It was submitted that in order to prevent illegal mining and transportation of illegal mined material, precautionary steps/monitoring mechanism as mentioned in Sustainable Sand Mining Guidelines, 2016 and the Enforcement & Monitoring of Sand Mining Guidelines, 2020 have been recommended by the State level committee and the same have been sent to all the Deputy Commissioners of 07 Districts to finalize the District Rejuvenation Plan. These precautionary steps shall be monitored by the District Level Task Force on a monthly basis. For imposition and realization of environment compensation on illegal mined areas, action shall be taken based on the SOP prepared by the HSPCB.

The Committee noted the compliance and decided that all the concerned departments shall take action on the precautionary/preventive steps as mentioned in Sustainable Sand Mining Guidelines, 2016 and the Enforcement & Monitoring of Sand Mining Guidelines, 2020 issued by MoEF&CC and delineated in gist form in Annexure -3 enclosed herewith and action taken report may be submitted to the committee before next meeting,

8. **Uploading of minutes of the meeting and reports/recommendations made by the Committee by the Department of Mining and Geology on its website in compliance of order dated 11.12.2023 in OA No. 362 of 2022.**

It was decided that the Mines & Geology department shall upload the minutes of meeting and reports/recommendations made by the committee on its website for the awareness of the general public/society.

9. **Additional Points**

- i. **Regular monitoring/ surprise checking of illegal mining points by department of Mines & Geology at least twice in a week.**

It was decided that the following precautionary/preventive steps to control illegal mining in 07 districts may be monitored regularly by the department of Mines & Geology.

- **Monitoring through drones with advanced cameras to identify the illegal mining sites once in a week (from 6:00 AM to 11:00 AM) and night surveillance of mining activity to be done using night vision drones.**
- **Tracking of the vehicles/equipments carrying illegal mined material through GPS system.**
- **Checking of the vehicles carrying mined material through check points/posts.**
- **Regular monitoring of the vehicles transporting mined material by the officers equipped with android phone facility and bar code scanner to check the validity of transport permit and quantity of mined material carried by these vehicles.**
- **Checking footage of CCTV cameras and record of weigh bridge to check the legality of the mined material.**
- **Submission of reports on issuance of challans to the vehicles transporting illegal mined material and their realization relating to 07 districts on fortnightly basis and for all the remaining districts once in a month.**
- **Monitoring of check post having 24x7 CCTV coverage and footage of the same to be checked online by the Mining Department and District Administration or members of District Level Task Force.**
- **Real time data with regard to weighing of mined material at weigh bridge to check its legality and the same may be compared with E-Ravana issued for the particular day.**
- **Regular scanning of transport permit on mining site through bar code scanner.**
- **Checking of transport permit on the server provided for uploading the same to check that it has not been reused.**

The action taken report on all the above points may be submitted by the Mines and Geology Department to the Committee on monthly basis.

- ii. **Environmental Compensation record**

It was decided that HSPCB shall maintain record regarding imposition of environmental compensation and its realization on on illegal mining activities in the following format.

Sr. No.	Name of Illegal mined site identified and its geo coordinates	Illegal mined site area (m ²)	Quantity of illegal mined material (MT)	Amount of Environmental Compensation (in Rs.) imposed as per SOP	Amount of EC realized (in Rs.)	Amount of EC utilized for restoration of ecology (in Rs.)

The action taken report on environmental compensation record may be submitted by HSPCB to the Committee on monthly basis

iii. Ecological restoration/rejuvenation of illegal mined sites of 07 districts

It was decided that the Department of Forest and Department of Mines & Geology shall take following steps/measures for the restoration/rejuvenation of the ecology of the illegal mined areas of 07 districts.

- Conducting ground truthing and baseline survey of the illegal mined areas using drones and on ground visits by the officers of department of Forest and Mines and Geology Department within 03 months. The department may associate experts as mentioned in the minutes of the meeting of State Level Committee held on 30.12.2023 for the said activities
- Ensuring the legal status of mining sites on Panchayat land and private land by the Mines and Geology Department within 02 months.
- Restoring/rehabilitation of flora and fauna based on the baseline survey of illegal mined sites within 06 months.
- Development of native grass and plants species belonging to Aravali hill ranges in the coming monsoon period.
- Restoring groundwater recharging zone for enhancing the groundwater level and CGWA may be asked to monitor the water level of the area on yearly basis and submit its report in the first week of April every year. .
- Landscaping of the illegal mined sites within 06 months.
- Reclamation of the soil of the illegal mined area within 06 months.
- Monitoring the surface and groundwater quality from the mining site area by HSPCB once in a year.
- Ambient air quality monitoring including moisture content in the air of the area around mining site by HSPCB twice in a year.
- Analysis of soil samples of the area around mining site for analysis of parameters including humidity/moisture content, organic matter, porosity/permeability of soil by HSPCB once in a year.

iv. Inclusion of Senior level officer of Haryana Enforcement Bureau as special invitee.

It was decided that a senior level officer of Haryana Enforcement Bureau may be invited as special invitee in all the meetings of the committee, constituted

by the Hon'ble National Green Tribunal vide its order dated 11.12.2023 in OA no. 362 of 2022.

- v. **Comments on the report/photographs/video sent by Ms. Neelam Ahluwalia, member Aravalli Bachao Citizens Movement on illegal mining sites of Mohindergarh, Charkhi Dadri and Bhiwani.**

It was decided that the report /photographs/video sent by Ms. Neelam Ahluwalia, member Aravalli Bachao Citizens Movement on illegal mining sites of Mohindergarh, Charkhi Dadri and Bhiwani may be sent to the concerned Regional Offices of HSPCB within 07 days and they may be asked to submit their comments on these illegal mining activities within next 15 days.

- vi. **Status of compliance on ascertainment of land use/ownership of land in compliance of order of Hon'ble Supreme Court of India in tghew matter of Jagpal Singh v/s State of Punjab (2011) 11 SCC 396 at SCC pp.401-402 para 23-25- Document sent by Col. S.S. Oberoi, member Aravalli Bachao Citizens Movement**

It was informed that the document sent by Col. S.S. Oberoi, member Aravalli Bachao Citizens Movement, delineating the ascertainment of land use/ownership of land in compliance of order of Hon'ble Supreme Court of India in the matter of Jagpal Singh v/s State of Punjab (2011) 11 SCC 396 at SCC pp.401-402 para 23-25 was sent to the Financial Commissioner Revenue and Additional Chief Secretary, Govt. of Haryana with copy to Additional Chief Secretary, Rural Development Department, Govt. of Haryana vide letter No.HSPCB/2024/1162 dated 19.1.2024 for compliance of order of Hon'ble Supreme Court of India.

It was decided that reminder may be issued to said departments for early action on the directions of Hon'ble Supreme Court of India in the matter.

- vii. **Compliance of order dated 5.9.2023 in OA No. 866 of 2022**

It was submitted that the Honble National Green Tribunal in its order dated 5.9.2023 in OA No. 866 of 2022 has directed as under.

Para6.

Since the mine has already been closed and contract has been terminated, therefore, at this stage, we deem it proper to dispose of the OA with the direction to the Member Sectary, State PCB and the Mining Officer to ensure that requisite plantation of trees is done by the mining contractor as per the Mining Plan and EC granted by SEIAA, Haryana and the mining contactor takes the restoration measures in respect of the area which is already reached the stage of reclamation. The Member Secretary, State PCB and the Mining Officer will ensure expeditious action in this regard and a compliance report will be submitted before the Registrar General of the Tribunal by 31.12.2023 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. In that report, the status of pending appeal will also be disclosed.

After deliberation in the matter, it was decided that the said order 5.9.2023 in OA No. 866 of 2023 may be sent to the concerned Regional Office, HSPCB to submit the compliance status in the matter within 7 days

The meeting ended with vote of thanks to the Chair and all the participants.

List of the participants of meeting of the Committee, constituted by the Hon'ble National Green Tribunal held under the Chairmanship of Additional Chief Secretary, Environment, Forest and Wildlife Department, Haryana in the matter of OA no. 362 of 2022 Aravali Bachao Citizens Movement v/s Union of India & Ors. in his office at Sector-17, Chandigarh on 16.2.2024.

Sr. No.	Name and Designation
1.	Sh. Vineet Garg, IAS, Additional Chief Secretary to Government of Haryana
2.	Sh. Pardeep Kumar, IAS, Member Secretary, HSPCB, Panchkula
3.	Dr. Babu Ram, Technical Advisor, HSPCB, Panchkula
4.	Mrs. Madhavi, State Mining Engineer, Mining & Geology Dept., Haryana
5.	Sh. JP Singh, SEE, HSPCB, Panchkula
6.	Sh. Kamaljit, EE, HSPCB, Panchkula
	Charkhi dadri
7.	Smt. Mandeep Kaur, IAS, DC, Dadri
8.	Sh. Nawal Kishore, IFS, DFO, Dadri
9.	Sh. Shakti Singh, RO, Dadri
10.	Sh. Komal AME, Mining Dept., Dadri
	Faridabad
11.	Sh. Vikram, IAS, DC, Faridabad
12.	Sh. Raj kumar, IFS, DFO, Faridabad
13.	Sh. Sandeep Singh, RO, HSPCB, Faridabad
14.	Sh. Niranjana Lal, Mining Officer, Faridabad
	Gurugram
15.	Sh. Nishant Yadav, DC Gurugram
16.	Sh. Kuldeep Singh, SEE, HSPCB
17.	Sh. Darshan Yadav, CTM
18.	Sh. Anil Kumar, Mining Officer
19.	Sh. Sidharth Bhargava, AEE, HSPCB
20.	Sh. Kamal, Surveyor, DFO office
	Mahendragarh
21.	Sh. Rohtash Singh, DFO
22.	Sh. Krishan Kumar RO, HSPCB
23.	Sh. Bhupinder Singh, Mines & Geology Department
	Rewari
24.	Sh. Harish Kumar, RO, HSPCB
25.	Sh. Lalit kumar, Supdt, DFO office
26.	Sh. Sir bhagwan, DFO office
	Nuh
27.	Sh. Dharendra Khadgata, IAS, DC
28.	Sh. Pradeep Singh, IAS, ADC
29.	Sh. Manish, AEE, HSPCB
	Bhiwani
30.	Sh. Rajesh Vats, DFO
31.	Sh. Kapil Singh, AEE

HSPCB-100003/217/2021-SCIENTIFIC SERVICES CELL-HSPCB

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I/248720/2024



LIFE
Lifestyle for
Environment

HARYANA STATE POLLUTION CONTROL BOARD

C-11, SECTOR-6, PANCHKULA
Ph.- 0172-577870. Fax- 2581201
E-mail: hspcbseccoordination@gmail.com
Website: hspcb.org.in



Order

Whereas, Hon'ble National Green Tribunal (NGT) vide order dated 11.12.2023 as mentioned in para 32 in OA. no. 362 of 2022 had directed to HSPCB to prepare SOP for imposition and realization of Environmental Damage Compensation from units/person involved in illegal mining and issue instructions within two months from the receipt of a copy of this order to all its Regional Officers for initiating and conclude the proceedings for imposition of environmental compensation in all cases of illegal mining and transportation in accordance with law within two months. Accordingly, HSPCB had issued office order regarding the same vide office letter no. I/245390/2024 dated 14.03.2024 and circulated the same to all Regional officers, HSPCB and other concerned departments for compliance;

Whereas, Hon'ble National Green Tribunal (NGT) vide order dated 22.03.2024 has issued the following directions;

2. *The report submitted in NGT as per previous report is found materially deficient as no action has yet been taken for imposition of EC on persons found to have carried out illegal mining.*
3. *Further in the report, there is no mention regarding holding of any meeting of the Joint Committee constituted by the Tribunal in the order dated 11.12.2023.*
4. *In SOP reference has been made to Rule 104 of the Haryana Minor Mineral Concession, Stocking and Transportation of Mineral and Prevention of Illegal mining Rules, 2012 which exempts registration of FIRs on First and Second offence, Question of the same being ultra-virus the constitution/the parent Act and violation of the direction issued by the Hon'ble Supreme Court and this Tribunal, need to be examined.*
5. *The SOP prepared is also materially deficient and need review particularly with respect to the aspect of realization of EC as it inhibits concerned DC from recovering EC immediately as default and mandates him to take action in case of failure to deposit EC after six months.*

Whereas, Chairman HSPCB has constituted a committee to review the direction given by Hon'ble NGT in the above said order vide this office letter no. I/247365/2024 dated 12.04.2024. The said committee has conducted the meetings and finalized the necessary amendments to be done in the SOP.

Therefore, in supersession of this office order no. I/245390/2024 dated 14.03.2024, Standard Operating Procedure (SOP) for imposition and realization of Environmental Damage Compensation from units/person involved in illegal mining is hereby revised and as enclosed as **Annexure-A** for compliance with immediate effect.

I/248720/2024

**Dated Panchkula, the
30 April 2024**

**P. Raghavendra Rao, IAS
Chairman, HSPCB**

Endst. No. HSPCB/Coord.Cell/2024

Dated:

A copy of above forwarded to the following information please.

1. The Chief Secretary to Govt. Haryana, Chandigarh.
2. The Additional Chief Secretary to Govt. Haryana, Environment & Climate Change Department, Chandigarh.
3. The Chairman, Central Pollution Control Board, East Arjun Nagar, New Delhi.
4. The Director of Mines & Geology Department, Second Floor, DHL Square, Plot No. 9, Sector-22, IT Park, Panchkula, Haryana.
5. The Director, Development & Panchayat raj, Haryana, Plot No.3, Opp Grain Market, Madhya Marg, Sector 28A, Chandigarh.
6. The Director General, Environment & Climate Change Department, Haryana IIInd Floor, Bays No. 55-58, Paryatan Bhawan, Sector-2, Panchkula.
7. The Principal Chief Conservator of Forests, Van Bhawan, C-18, Sector-6 Haryana, Panchkula.
8. All Deputy Commissioners, Haryana.
9. All Superintendent of Police, Haryana.

**Chief Env. Engineer, (HQ)
For Chairma**

Endst. No. HSPCB/Coord.Cell/2024

Dated:

A copy of above forwarded to the following information and further necessary action:-

1. PS to Chairman, HSPCB.
2. PA to Member Secretary, HSPCB.
3. CEE-I and CEE-II, HSPCB.
4. All SEE, HSPCB.
5. All Regional Officer, HSPCB
6. SEE, IT Cell requested to upload the order on the website of the Board.

**Chief Env. Engineer, (HQ)
For Chairma**

Signed by
Balraj Singh Ahlawat
Date: 30-04-2024 17:33:36

**Standard Operating Procedure (SoP)
for
Imposition and Realization
of
Environmental Damage Compensation
From Units/Persons Involved
in illegal Mining
In Compliance of Order of Hon'ble National
Green Tribunal
In O.A. No. 362 of 2022**

Brief Background:

Hon'ble National Green Tribunal in O.A. No. 362/2022 in the matter of Aravalli Bachao Citizen Movement Vs. Union of India & Ors, vide order dated 11.12.2023 held that "... ***the proceedings for imposition and realization of environmental damage compensation do not originate from and are not dependent on criminal proceedings. In fact the same originate from the are dependent on illegality of mining and transportation and derive their jurisdiction, validity and authority from the environmental laws including the Environmental (Protection) Act, 1986, the Air (Prevention and Control of Pollution) Act, 1981, the Water (Prevention and Control of Pollution) Act, 1974 and the mines and Minerals (Development and Regulation) Act, 1957 and Rules made there under and the directions given by Hon'ble Supreme Court of India and this Tribunal. There is no valid justification for not initiating the same. The HSPCB is directed to prepare SOP for the same and issue instruction within two month from the receipt of a copy of this order to all its Regional Officers for initiating and conclude the proceedings for imposition of environmental compensation in all cases of illegal mining and transportation in accordance with law***".

Accordingly, in-compliance of the directions of the Hon'ble NGT, a standard operating procedure (SOP) for dealing with imposition and realization of environmental damage compensation is required to be prepared. The action against violators and non-compliant units/person(s) found violating the environmental norms is to be taken by imposition of environmental compensation and realization of the same.

2.0 Standard Operating Procedures (SoPs) for imposition and realization of Environmental Compensation on units/persons involved in illegal mining/violations and non-compliance related to illegal mining in compliance of Hon'ble NGT order dated 11.12.2023 in OA No. 362 of 2022:-

Hon'ble NGT vide its orders dated 26.02.2021 in OA No. 360 of 2015 has issued directions in respect of development of a mechanism for assessment and recovery of compensation regarding mining and directed the CPCB to issue directions to the Administrative Secretary of the State to evolve an appropriate mechanism for assessment and recovery of compensation in all Districts of the State and for utilization of the recovered compensation for restoration of environment by preparing an appropriate action plan. The Govt. of Haryana, Department of Environment & Climate Change vide Memo No 16/10/2022-3Env. Dated 27.06.2022 has accorded approval for adopting Approach 2 mentioned in OA No. 360 of 2015 for imposing environmental compensation in illegal mining cases as directed by CPCB vide their letter dated 11.06.2021. Further, Haryana State Pollution Control Board is nominated as Nodal agency for formulation for projects, maintaining the accounts, releasing of funds (after approval of Govt.) and supervise expenditure by line departments/implementing agencies.

2.1 Legal provisions under the Mines and Mineral (Development and Regulation) Act, 1957 and rules/terms framed by State of Haryana and Environment (Protection) Act, 1986 and Haryana Minor Mineral Concession, Stocking, Transportation of Minerals and Prevention of Illegal Mining Rules, 2012.

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2.1.1 Mine and Minerals (Development and Regulation) Act, 1957.

Under the provisions of the Section 4 (1) of the Mining Act, no person shall undertake any reconnaissance, prospecting or mining operations in any area, except under and in accordance with the terms and conditions of mineral concession granted under the Mines and Mineral (Development and Regulation) Act, 1957 and the rules made there under.

2.1.2 The Haryana Minor Mineral Concession, Stocking and Transportation of Minerals, and Prevention of Illegal Mining Rules, 2012.

Rule 103, of the Haryana Minor Mineral Concession, Stocking and Transportation of Minerals, and Prevention of Illegal Mining Rules, 2012 defines illegal or unauthorized Mining and Consequences as "any person undertaking any mining operation without any valid mineral concession granted under the Act". There are provisions of taking action against the violators indulging in illegal or unauthorized mining under rule 104, as mentioned in chapter 16, which are reproduced as under:

104. Any act of illegal or un-authorized mining shall be liable to the following:

Environmental Compensation for illegal mining and transportation of illegally mined material is imposed in compliance of order dated 26.02.2021 in OA No. 360/2015 in the matter of National Green Tribunal Bar Association Vs Union of India & Ors. In the said order, the Hon'ble Tribunal has directed (in para 9.6) to take action against illegal excavation and transportation of minor mineral to achieve deterrence against illegally mined minerals.

The Haryana Minor Mineral Concession, Stocking and Transportation of Mineral and Prevention of Illegal Mining Rules, 2012 have been framed by the Govt. of Haryana through Department of Mines and Geology, wherein, under rule, 104 (iii), it has mentioned that whenever a person is found to be indulging in such offence for the third time or more, the officer concerned shall register a FIR and handover all such tools, equipments, vehicles or any other thing used for such un-authorized operation to the police.

Therefore, in compliance of order dated 26.02.2021 in OA No. 360 of 2015 in the matter of National Green Tribunal Bar Association Vs Virender Singh (State of Gujrat), it has been requested the Department of Mines and Geology to revisit rule 104 of the

Haryana Minor Mineral Concession, Stocking and Transportation of Mineral and Prevention of Illegal Mining Rules, 2012 regarding the provisions of registration of FIR and handing over all such tools, equipment, vehicles or any other things used for such un-authorized operation to the Police on the very first offence itself.

(27)

2.1.3 Environmental Protection Act, 1986

There is a provision of taking legal action under section 15 of the Environmental Protection Act, 1986 as amended in Jan Vishwas (Amendment of Provision) Act, 2023, against a Project Proponent/person for violations and non-compliance.

2.2 District Level Task Force (DLTF) for inspection

To curb and check illegal mining, State Government through Mines and Geology has constituted District Level Task Force (DLTF) under the chairmanship of Deputy Commissioner of each District vide order dated 09.03.2007. The DLTF shall conduct joint inspection of the site based on the report of the Mining Department in case they report illegal or excess mining /violation and/or non-compliance related to mining, causing damage to the environment. The DLTF shall keep regular watch over the mining activities and movement of minerals in the district. The DLTF shall have its regular meeting, preferably every month to reconcile the information from the mining activity, and other observations made during the month and take appropriate corrective and remedial action, which may include a recommendations for revoking mining lease or environmental clearance. The DLTF may constitute an independent committee of the expert to assess the environmental or ecological damage caused due to illegal mining and recommend recovery of environmental compensation from the miner's concern. The following are the members of DLTF.

1.	District Collector of the District concerned	Chairman
2.	Superintendent of Police of the District concerned	Member
3.	District Forest Officer of the District concerned	Member
4.	State Pollution Control Board Official of the District concerned	Member
5.	District Transport Official of the District concerned	Member
6.	Assistant Mining Engineer/Mining Officer of the District concerned	Member Secretary/Convener

2.3 Environment Compensation to be levied in case of illegal mining:-

The Hon'ble NGT vide its order dated 26.02.2021 in OA No. 360 of 2015 had considered Approach 2 as mentioned in the report of CPCB submitted on 30.01.2020. 28

"Approach 2, is demonstrated by the following formula.

"Till such time as data and information for a comprehensive net present value (NPV) is worked out in a site specific manner to account for all (or atleast the major) ecological damages, a simplified NPV, proxied on the market value of the illegally extracted amount may be computed. In this case, the NPV approach would imply that the total benefits from the activity of mining (as represented by the market value of the extracted amount) be deducted from the total ecological costs imposed by the activity. In the absence of data on benefits and costs separately, modification of the formula has been recommended as under:

Total Benefits (B) = Market Value of illegal extraction of mined material: D (refer Table 1)

Total Ecological Costs (C) = Market Value Adjusted for risk factor: D * RF (refer Table 1).

For present purposes, it is assumed that the Benefits would accrue only in the first year (in which the extraction of the illegally mined material takes place), while the ecological costs would continue to be felt over a period of time. NPV is to be calculated for a period of 5 years on the net value, $\Sigma (C - B)$, at a discount rate ranging from 8%-5%, varying in inverse with the risk factor. Thus, where the highest risk factor (say 1) is applicable, the discount rate applicable would be the lowest (say 5% in this case)."

Further, CPCB in its report dated 30.01.2020 (submitted to Hon'ble NGT) has recommended that the annual net present value (NPV) of the amount arrived at after taking the difference between the costs and the benefits through the use of the above approach, may be calculated for a period of 5 years at a discount rate of 5% for mining which is in a severe ecological damage risk zone. The rationale for levying this NPV is based on expert opinion that reversal and/or restoration of the ecological damages is usually not possible within a short period. The negative externalities of the mining activity are therefore to be accounted for in this manner. Ideally, the worth of all such damages, including costs of those which can be restored should be charged. However, till data on site-specific assessments becomes available, this

approach may be adopted in the interim. In situations where the risk categorization charged. However, till data on site-specific assessment becomes available, this approach may be adopted in the interim. In situations where the risk categorization is unavailable or pending calculation, the Discount Rates as mentioned in Table 02, may be considered.

(29)

Permitted Quantity (in MT or m ³)	Total Extraction (in MT or m ³)	Excess Extraction (in MT or m ³)	Exceedance in Extraction:	
X	Y	Z = Y-X	Z/ X	Market Value-of-the-illegal mined material (MT-or-m ³):D=Z x where x is market rate of mined material.
				*DF = 0.3 if Z/X = 0.11 to 0.40 DF = 0.6 if Z/X = 0.41 to 0.70 DF = 1 if Z/X >= 0.71
				*RF = 0.25, 0.50, 0.75, 1.00 (as per table 2)

* DF = Deterrence Factor, RF = Risk Factor

Severity	Mild	Moderate	Significant	Severe
Risk Level	1	2	3	4
Risk Factor	0.25	0.50	0.75	1.0
Discount	8%	7%	6%	5%

2.3.1 Formula for calculating environmental compensation charges

Market Value of Illegally Mined Material = D

Annual Value of Foregone Ecological Values = D*RF

- Present Value of Foregone Ecological Values (@ 5% discount rate and over 5 years)

$$PV = \sum_{t=1}^5 \frac{(D*RF)}{(1+r)^t}$$

$$= \frac{(D*RF)}{(1+r)^1} + \frac{(D*RF)}{(1+r)^2} + \frac{(D*RF)}{(1+r)^3} + \frac{(D*RF)}{(1+r)^4} + \frac{(D*RF)}{(1+r)^5}$$

Where, r = 5% discount rate = 0.05

- Net Present Value (after netting out market value of illegally mined material) - i.e., Total Compensation to be levied

$$NPV = PV - D$$

3.0 Procedure to impose Environmental Compensation

(30)

1. The District Level Task Force will inspect the site and prepare a detailed report in regard to illegal mining /violation and non-compliance related to the mining for imposition of environmental compensation.
2. Concerned Mining Officer/Assistant Mining Engineer, being the member convener of DLTF, will issue a show cause notice of 15 days to the Project Proponent mentioning the grounds on which EC is proposed to be imposed.
3. The data of illegal mined material will be provided by the Mining Department required for imposing environment compensation as per Approach 2 finalized by Hon'ble NGT in case of illegal or excess mining, causing damage to the environment.
4. The Mining Officer/Assistant Mining Engineer and RO, HSPCB shall prepare a detailed report after expiry of the period of show cause notice and will prepare assessment report for imposition of environmental compensation after examining the reply submitted by the Project Proponent (in case received).
5. The Mining Officer/Assistant Mining Engineer will forward the case to DLTF for examination and finalization of the amount of environmental compensation to be imposed, within 15 days time as per Approach 2 and the same may be submitted to Chairman/Chairperson of DLTF for issuing directions for levy and deposition of environmental compensation to the Project Proponent/person and amount to be deposited in the separate account to be opened in District Headquarter and same shall be intimated to the High Powered Committee constituted by Govt. of Haryana for utilization of environmental compensation for restoration of ecology.
6. In case of transportation of illegally mined mineral, the Mining Department shall recover the penalty amount as decided by the Hon'ble NGT vide orders dated 19.02.2020 passed in MA No. 16/2020 in OA No. 44/2016 and vehicle to be released only after recovery of penalty amount.

3.1 Action to be taken in case failure to deposit Environmental Compensation

In case of failure to deposit environmental compensation amount assessed by the DLTF, following procedure should be adopted for realization of environmental compensation for violation by the mining unit/person:-

- a. EC imposed will need to be deposited by the Project Proponent/person involved in illegal mining in a separate account at the District Level within a period of 30 days from issue of directions. In case of failure to deposit the EC amount within 30 days of its issuing the directions for depositing Environmental Compensation amount by the

project proponent/person involved in illegal mining, the concerned Regional Officer, HSPCB will make a reference to the Deputy Commissioner with full facts, within a maximum period of 10 working days, who shall then proceed to recover the environmental compensation amount in accordance with the provisions of the Haryana Land Revenue Act, 1969 or any other similar Act for the time being in force. (31)

- b. Cases of new/renewal of licence and permissions of mining, Environment Clearance (EC), Consent to Operate (CTO) under Water Act, 1974/Air Act, 1981 or suspension of closure order of the defaulting PP/person shall not be entertained until and unless the EC amount is deposited.
- c. Legal action shall also be initiated against the defaulting Project Proponent/person by the concerned Mining Officer/Regional Officer, HSPCB.

Mines and Geology Department, Haryana
DHL Square, Plot No. 9, Sector-22, IT Park, Panchkula, Haryana

OFFICE ORDER

Subject: Order dated 22.03.2024 in — OA No. 362/2022 – Aravalli Bachao Citizens Movement Versus Union of India Ors.

In the above said original application having No. 362/2022, the Hon'ble NGT directed on 22.03.2024, that:

"in view of order dated 11.12.2023, only vehicles fitted with GPS be allowed to carry minor minerals for supplying the same to the stone crushers/screening plants in all the three Districts-Faridabad, Gurugram and Nuh w.e.f. 15.04.2024 and any vehicle not fitted with GPS carrying minor minerals be seized by the Police."

2. In compliance of above order passed by Hon'ble NGT, it is hereby informed to all (Vehicle Owners, MDL holders, Stockiest, Crusher owners, Screening Plant owners) who are involved in this business of carrying minerals & supplying the same to the stone crushers/screening plants in all the three Districts-Faridabad, Gurugram and Nuh to get their vehicles fitted with GPS well before 15.04.2024 with following specifications:

TRACKING		
GNSS	➤	GPS, IRNSS, GLONASS, GALILEO, QZSS, AGPS, SBAS
Channels	➤	33 tracking / 99 acquisition channel
Sensitivity	➤	-165dBm
Accuracy	➤	< 3m
Hot Start	➤	< 1 second
Warm Start	➤	< 30 seconds
Cold Start	➤	< 31 seconds
NETWORK		
2G Band	➤	Dual Band / Quad Band GSM Module
RF Power	➤	Class 4(2W@850/1900 MHz), Class 1(1W@1800/1900 MHz)
Data	➤	GPRS class 12 max 85.6 kbps, coding scheme CS 1, 2, 3, 4
Communication Protocol	➤	TCP / IP over GPRS / HTTP, Dual IP
POWER		
Operating Voltage	➤	8V - 39V
Current Active Mode	➤	< 1A, Sleep Mode < 25mA
Power Consumption	➤	< 1 watt in Idle Condition & < 3 watt during Data Communication
Battery	➤	650mAh

Mines and Geology Department, Haryana

DIII, Square, Plot No. 9, Sector 17, II Phase, Panchkula, Haryana

ASSEMBLAGE		
Digital Input	➤	7
Digital Output	➤	2
Analog Input	➤	2
RS 232	➤	1
Memory	➤	80,000 log Packets
SIM	➤	Embedded SIM
PHYSICAL SPECIFICATION		
Dimension	➤	86mm x 74mm x 30mm (L x W x H)
Weight	➤	156gm
Casing	➤	IP 65 ABS Casing
SOS	➤	IP-65 Panic Button
WORKING ENVIRONMENT		
Operating Temperature	➤	-25°C to 80°C
Humidity	➤	5% to 95%
FEATURES		
Firmware Update	➤	FOTA
SMS	➤	Configuration, Events, Debug.
Should be AIS-140 Certified		

Further, any vehicle not fitted with GPS carrying minerals as per above specifications shall be seized by the Police after 15.04.2024 as per orders of Hon'ble NGT.

Dated Panchkula,
the April 5, 2024

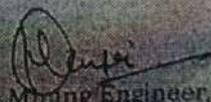
Mandip Singh Brar, IAS
Director General, Mines and Geology,
Haryana.

Endst. No.: KC/DMG/HY/OA No. 362 of 2022/1719

Dated: 8/4/2024

A copy is forwarded to the following for information and necessary action:

1. Mining Officer, Mines and Geology Department, Faridabad.
2. Mining Officer, Mines and Geology Department, Gurugram/Nuh.
3. IT Cell In-charge – He is advised to put the order on departmental website/e-Rawanna portal for information of public.


State Mining Engineer
for Director General, Mines and Geology,
Haryana, Panchkula.