

**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: 21.03.2024


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

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Action Taken Report of 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 11.12.2023 in the matter of OA No. 362/2022 titled as Aravalli Bachao Citizens Movement vs Union of India & Ors has directed as under:

".....xxxx.....24. In the facts and circumstances of the case we are constrained to and do hereby constitute the following Committee for looking the aspects of enforcement and monitoring of compliance with environmental norms, guidelines and directions issued by Hon'ble Supreme Court of India and This Tribunal:-

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	Member

	<i>Division, Faridabad</i>	
4	<i>Inspector General of Police, law and Order, Haryana</i>	<i>Member</i>
5	<i>Director, Mining and Geology Department, Haryana</i>	<i>Member</i>
6	<i>Member Secretary, HSPCB</i>	<i>Member Secretary</i>
7	<i>Chief Conservator of Forest (South) Haryana</i>	<i>Member</i>

The Committee shall meet periodically with such intervals as may be considered appropriate with at least one meeting every quarter and look into all 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. Member Secretary, HSPCB being the Member Secretary of the Committee shall be the nodal officer for coordination and compliance. All expenses of the Committee will be borne by HSPCB out of environmental Damage Compensation lying deposited with it. The Committee may submit its recommendations to this Tribunal for issuance of appropriate directions. The Minutes of the meeting and reports/recommendations made by the Committee will be uploaded by the Department of Mining and Geology on its website.

.....XXXXXXXX.....

30. Vide order dated 28.04.2023 this Tribunal directed HSPCB, (i) to initiate proceedings for imposition and realization of environmental damage compensation from all persons involved in illegal mining throughout the State of Haryana including Aravalli and file consolidated Action Taken Report and (ii) submit an Action Plan regarding utilization of environmental compensation for reclamation/rehabilitation of the land illegally mined in the Aravalli region in the State of Haryana and concerned respondents are also directed to submit their response to suggestions given by the applicant.

31. In compliance thereof interim report has been filed by HSPCB.....xxxxx.....

32. In the Interim Report there is no mention as to initiation of proceedings. For imposition on and realization of environmental damage compensation from all persons involved in illegal mining throughout the State of Haryana including Aravali. It may be observed here 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 and are dependent on illegality of mining and transportation and derive their jurisdiction, validity and authority from the environmental laws including the Environment (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 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. Aravali Rejuvenation Action Plan for reclamation/rehabilitation of the land illegally mined in the Aravali region be also prepared and filed within two months by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

33. List the matter for further consideration on 09.01.2024 for hearing regarding objections taken in the reply filed by the applicant.

....XXXXXX....

36. In view of the facts and circumstance of the case, we also consider personal appearance of the Senior Officers duly authorised by Director General of Police, Haryana, Director Mining and Geology Department, Haryana and Member Secretary, HSPCB on the next date of hearing to be essential for assisting this Tribunal in just and proper adjudication of the questions involved in the case. Accordingly they are directed to remain present before this Tribunal on that date....xxxx....”

2. That the matter was heard on 09.01.2024 and the Tribunal directed for submission of reports and the presence of Senior Officers duly authorized by the DGP, Haryana, Director, Mining and Geology Department and Member Secretary, HSPCB.
3. That a similar matter was heard on 09.02.2024 in OA NO. 295/2021- H.S. Khatana Vs SOH before the Hon'ble NGT. The Hon'ble Tribunal passed the order and granted time for three

months to prepare the Aravali Rejuvenation Plan. The relevant part of the direction is reproduced as under:-

“considering the facts and circumstances of the matter, we dispose of this application by directing respondents to implement and execute the steps taken as mentioned from para 4 to 18 of the report dated 08.02.2024 and also to finalize “Comprehensive Rejuvenation Action Plan” for reclamation/rehabilitation of illegally mined land in Aravali region in State of Haryana within three months and execute the said Rejuvenation action plan within next six months and submit a comprehensive compliance report with the Registrar General of this Tribunal by 20.11.2024 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”.

4. That in compliance of orders passed by this Hon'ble Tribunal, the concerned departments of the State are taking steps to prevent and control the illegal mining and transportation of minerals without valid e-ravanna.
5. That a Control Room has been setup in office of Dept. of Mines & Geology at Faridabad. Toll Free number (1800-180-5530) has been issued for receiving the complaints of illegal mining in Aravali Range and to take prompt action thereon. The mail id of Control Room has also been created i.e. aravalibachafgn@gmail.com.

Information about this number and email id has been circulated through leading Newspapers i.e. Times of India, Hindustan Times, Dainik Jagran and Dainik Bhaskar etc being distributed in these districts. The same has been affixed on the Notice Board of office of Deputy Commissioner as well as Mining Officer of these three Districts.

6. That Sign Boards have been placed on prominent places in Aravali of District Faridabad, Gurugram and Nuh indicating that mining is prohibited and same is punishable offence. Photographs of such sign boards/paintings in Gurugram and Faridabad are annexed herewith as **ANNEXURE R-1**.

7. That as per reports received from all concerned departments, mining instances were noticed in District Nuh. At first instance, Drone mapping and use of CCTV cameras have been adopted in District Nuh by Police Department. The steps taking by the Police Department in District Nuh to stop illegal mining and to catch vehicles involved in illegal mining are summarized as under:
- (i) Drone Survey is being done once in a week and thereafter suspicious places are being physically verified by the police personals.
 - (ii) 13 number of Police Nakas have been setup intra-District (7) and at inter-state boundary (6). At some Nakas, Night Vision CCTV Footage Cameras are set up and images are being monitored at Control Room at SP Officer, Nuh.
 - (iii) Joint combing of Para-Military Force and Haryana Police is being done to identify the mining prone areas.
 - (iv) A special 'Anti-Mining Staff' has been constituted which do patrolling day and night in illegal mining prone areas. Trenches has been dug on the approach path towards Aravali range exposable to mining.
 - (v) To create awareness in community for protection of Aravali, Nuh Police holds tours to hills & sessions of Students. Visit of students of 15 number of Sr. Secondary School have been organized with teachers of Zoology, Botany and official of Forest Department to bring awareness in the students about bio-diversity of Aravalli and create atmosphere at public at large to prevent illegal mining.
8. That a new portal namely "Haryana Mines & Geology Information System (HMGIS) portal" was launched on 13.09.2023 by Hon'ble Chief Minister of Haryana. The real time location of the weighbridge and mineral loaded vehicles are mapped in this portal, which in turn, helps in curbing the illegal mining and illegal transportation of the mineral. Besides this weight of the mineral

loaded vehicle is being captured by the system automatically without any manual intervention, which would not allow any malpractice like tempering etc. The said portal has been implemented throughout the state w.e.f. 25.12.2023 by replacing the older e-Ravana system. Registration by all units of Contractors/lessee, Mineral Dealer license holder, Stone Crusher license holders is in process. Now, no e-ravana is generated to vehicle without being GPS enabled. The development of mechanism of tracking of these vehicles is in process by Transport Department.

9. That the Government has decided to implement the ecological restoration of Aravalli Districts in Haryana in two faces.

Under Phase-1:

Aravalli Ecological Restoration Plan shall be focused on the critical activities like conducting ground truthing of all the Aravalli Districts using drones and on ground visits by the officers of Government Departments to identify all the locations of illegal mining. The work has been started and the ATR shall be submitted after the data is received from the field offices and compiled at state level. The short term and long term protection measures to stop illegal mining- line enforcement mechanism, effective and strict vigilance in mining area using drones with advanced cameras to identify and monitor illegal mining area, setting of the checkpost, setting up of forest check post, deployment of home guards across the Aravalli area and starting the base line survey for Districts to finalize the Aravalli District Level Rejuvenation Plan are to be implemented.

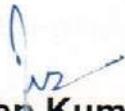
Under phase-2:

The implementation of the Ecological Restoration Plan based on the activities mentioned in the District Rejuvenation Plans and recommendations made by the experts.

10. In compliance of the NGT orders, meetings were held under the Chairmanship of Additional Chief Secretary Environment, Forest and Wild Life Department, Haryana on 04.01.2024 and 18.01.2024 and following decisions were taken:-
- (I) Compilation of all directions/orders issued by Hon'ble Supreme Court of India, National Green Tribunal and High Court of Punjab & Haryana.
 - (II) Adoption of enforcement & monitoring mechanism to prevent illegal mining and transportation
 - (III) Preparation of Final District Rejuvenation Plans and taking further action on the activities, as mentioned in these plans.
 - (IV) Finalization of SoP for assessment, imposition and realization of Environment Damage Compensation in cases of illegal mining.
11. That SoPs for assessment, imposition and realization of Environment Damage Compensation in cases of illegal mining has been finalized and attached as **Annexure-R-2**.
12. That it is further stated that the Forest Department carries out plantation programs in various plan schemes like Rejuvenation of Degraded Forest, Desert Control and Agroforestry in the Aravalli hill range. That during the year 2023-24, 15900 plants have been planted in district Faridabad, 26650 plants have been planted in district Gurugram and 59500 plants in district Nuh in the aforesaid schemes in the Aravalli hills with native species.

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

Place: Panchkula
Dated: 21.03.2024


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

आवश्यक सूचना
 सर्व साधारणको सूचित किया जाता है की जिस
 फरीदाबाद गुरुग्राम व नूह मेवात मे अवैध
 स्थानको रोकनेके लिये विभाग द्वारा एकतेर
 फ्री नं 1800-180-5530 व ई मेल आई डी
aravali Bacha@gmail.com जोसे किरा
 गए है जिस पर आमजन अवैध स्थानको अपनी
 शिकायत 24x7घंटे कभी भी उपर दिये गये टोल
 फ्री नं व ईमेल आई डी पर दर्ज करवा सकते है



GPS Map

Camera Lite

C4GF+PM7, Baliawas, Haryana 122003, India

Latitude

28.42508943°

Longitude

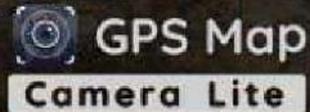
77.12376983°

Local 01:33:05 PM

GMT 08:03:05 AM

Altitude 253 meters

Wednesday, 27.12.2023



94R4+5Q, Kadarpur Road, Kadarpur, Haryana 122102, India

Latitude

28.3909375°

Longitude

77.10824848°

Local 12:07:38 PM

GMT 06:37:38 AM

Altitude 250 meters

Wednesday, 27.12.2023

11015



Unnamed Road, Haryana 122102, India

Latitude

28.36191397°

Longitude

77.10228802°

Local 03:01:03 PM

GMT 09:31:03 AM

Altitude 244 m

Monday, 06.11.2023

1016

ALTITUDE
253.7 M

246° SW

COURSE SW 207° GPS



LAT 28° 20' 4.650" N SATURDAY 02.03.2024

LONG 76° 59' 35.020" E LOCAL TIME 16:40:47

13
1017

ALTITUDE
221.6 m

285° W

COURSE NW 319° GPS



LAT 28° 25' 31.155" N SATURDAY 02.03.2024

LONG 77° 7' 22.851" E LOCAL TIME 15:35:24

Wisteria Club Rd, Baliawas, New Delhi,
Haryana 122102, India

Toll-free number launched to check mining in Aravallis

Leena Dhankhar

leena.dhankhar@hindustantimes.com

GURUGRAM: The Haryana mining department launched a toll-free number on Friday where the public at large will be able to register complaints on illegal mining in the Aravallis.

The public can lodge their complaints 24/7 at 1800-180-5530. Three officials will be deployed in three shifts of eight hours each at the control room that has been set up in Faridabad, officials said.

Nuh-Gurugram mining officer Anil Kumar on Friday said that the mining department has deployed three officials in three shifts to ensure all calls are answered.

"We have set up a control room at the department's district mining office in Faridabad's Neelam Chowk. Three officials will be deployed in an eight-hour shift each and will maintain records of the calls received. The information will be passed on to senior officers who will conduct raids with the help of the police," Kumar said, adding that the identity of the callers will not be revealed.

The National Green Tribunal (NGT) in November last year had directed the state government to set up a control room and notify a phone number as per directives that came after a petition was filed by the Aravalli Bachao Citizens' Movement. The forum had alleged that stones were being cleaved off from hills in 16 locations across Gurugram, Nuh and Faridabad despite a Supreme Court ban on mining in the protected area.

The NGT bench of Justice Arun Kumar Tyagi and expert member Afroz Ahmad had also summoned senior officials of the Haryana Police, forest and wildlife department, mining department and the Haryana Pollution Control Board, asking



The control room in Faridabad will be receiving complaints against illegal mining. HT PHOTO

them to clarify details about illegal mining and measures taken against it.

An eight-member committee formed by the NGT in May last year had "noticed signs of mining" during its inspection of the Aravallis and had said that it suggested "illegal mining was still continuing".

The committee had told the tribunal that it had spotted nine mining sites in Gurugram and Nuh.

The Supreme Court in 2009 had banned mining in the Aravallis of south Haryana, but illegal quarrying of stones for construction has continued unabated. According to available data, 81 vehicles were seized for illegal mining in Gurugram and ₹75 lakh was imposed as penalties, while in Nuh, 93 vehicles were seized and ₹34 lakh was imposed as penalties last year.

The managing trustee of the Aravalli Bachao Citizens' Movement, Jyoti Raghavan said, "We are pleased to hear that the Haryana government has acted on the NGT directives to check illegal mining in the Aravallis. We also urge the government to use drones for regular surveillance and monitoring of all Aravalli areas in Gurugram, Faridabad, Nuh, Palwal, Rewari and Mahendragarh so that illegal mining can be nipped in the bud".

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अवैध खनन को रोकने के लिए टोल फ्री नंबर के बाद ई-मेल आईडी जारी

फरीदाबाद, 10 अप्रैल, सत्यजय टाईम्स/गोपाल अरोड़ा। जिले में अवैध खनन को रोकने के लिए खनन एवं भू-विज्ञान विभाग की ओर से टोल फ्री नंबर के बाद अब ई-मेल आईडी भी जारी की गई है। मेल आईडी पर फरीदाबाद, गुडगांव व नूंह जिले में अवैध खनन करने वालों की लिखित शिकायत दी जा सकेगी। फरीदाबाद की जिला खनन अधिकारी कमलेश ने बताया कि अवैध खनन पर अंकुश लगाने के लिए विभाग की ओर से ई-मेल aravalibachaofgn@gmail.com जारी की गई। इस मेल आईडी पर खनन करने वालों की शिकायत और फोटो भेजे जा सकते हैं। जिस पर विभाग की ओर से तत्काल रूप से कार्रवाई की जाएगी। इससे पहले जिला फरीदाबाद, गुडगांव व नूंह में अवैध खनन को रोकने के लिए एक टोल फ्री नंबर भी जारी किया गया है, जोकि 1800-180-5530 है। इस नंबर पर कोई भी व्यक्ति 24 घंटे अवैध खनन की शिकायत दे सकता है। सूचना देने वाले व्यक्ति की जानकारी को पूरी तरह से गुप्त रखा जाएगा।

अवैध खनन होता दिखे तो करें शिकायत

■ एनबीटी न्यूज, फरीदाबाद : ज़िले में अवैध खनन रोकने के लिए खनन एवं भू-विज्ञान विभाग की ओर से टोल फ्री नंबर के बाद अब ई-मेल आईडी भी जारी की गई है। मेल आईडी पर फरीदाबाद, गुड़गांव व नूंह में अवैध खनन करने वालों की लिखित शिकायत दी जा सकेगी। फरीदाबाद की ज़िला खनन अधिकारी कमलेश ने बताया कि aravalibachaofgn@gmail.com पर अवैध खनन करने वालों की शिकायत और फोटो भेजे जा सकते हैं। इससे पहले फरीदाबाद, गुड़गांव व नूंह में अवैध खनन रोकने के लिए टोल फ्री नंबर 1800-180-5530 भी जारी किया गया है।

अवैध खनन पर अंकुश के लिए ईमेल आइडी जारी

जासं, फरीदाबाद: जिले में अवैध खनन रोकने के लिए खनन एवं भू-विज्ञान विभाग ने टोल फ्री नंबर के बाद अब ई-मेल आइडी भी जारी की है। मेल आइडी पर फरीदाबाद, गुरुग्राम, नूंह जिले में अवैध खनन करने वालों की लिखित शिकायत दी जा सकेगी। जिला खनन अधिकारी कमलेश ने बताया कि अवैध खनन पर अंकुश लगाने के लिए ई-मेल aravalibachaofgn@gmail.com जारी की गई।

इस पर खनन करने वालों की शिकायत और फोटो भेजे जा सकते हैं। विभाग की तरफ से तत्काल कार्रवाई की जाएगी। इससे पहले तीनों जिलों में अवैध खनन रोकने के लिए टोल फ्री नंबर भी जारी किया गया है, जोकि 1800-180-5530 है। इस पर कोई भी व्यक्ति 24 घंटे शिकायत दे सकता है। सूचना देने वाले की जानकारी गुप्त रखी जाएगी।

Now, file your complaints on illegal mining in Aravalis via this helpline

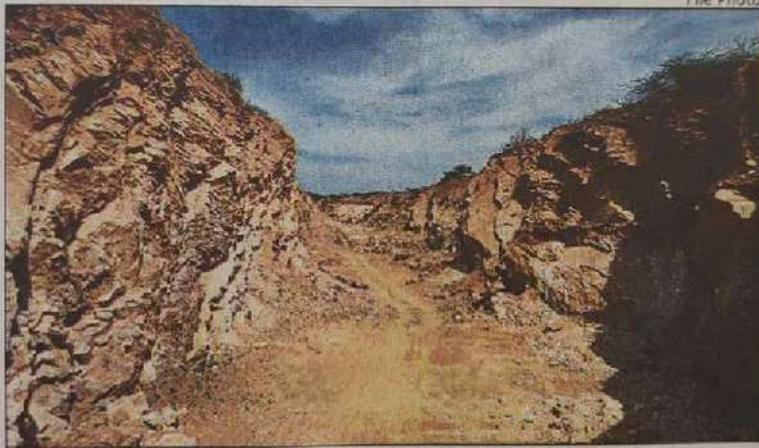
Ipsita.Pati

@timesgroup.com

Gurgaon: The government launched a helpline number on Friday where citizens can complain about illegal mining in the Aravalis. This toll-free helpline — 1800-180-5530 — will cater to complaints from Gurgaon, Faridabad and Nuh.

A control room with six members has been set up by the mining department, which will share details of mining related complaints with the field staff.

On November 27, the National Green Tribunal (NGT) directed Haryana to set up a control room and notify its mobile number for compla-



File Photo

In the past 11 months, 25 FIRs have been filed for illegal mining

ints regarding illegal mining by any member of the public.

“The control room is in Faridabad. It will share complaints with the ground staff in Gurgaon, Faridabad

and Nuh. Action to curb mining incidents will be taken quickly with the help of the control room,” said Anil Atwal, mining officer, Gurgaon.

In the past 11 months, the

mining department has seized 40 vehicles in the city that were found to be engaged in illegal mining in the Aravalis. It has imposed fines amounting to nearly Rs 1 crore on illegal miners in the city and has got 25 FIRs registered against them.

Meanwhile, NGT also directed that senior government officials — Haryana DGP PK Agarwal, director for mining and geology Mukul Kumar, principal chief conservator of forests Jagdish Chandar and Haryana State Pollution Control Board's regional officer Kuldeep Singh — appear before the tribunal in person or via video conferencing on March 13.



Order

Whereas, Hon'ble National Green Tribunal (NGT) vide order dated 11.12.2023 as mentioned in para 32 in O.A. no. 362 of 2022 directed:-

" In the Interim Report, there is no mention as to initiation of proceedings. for imposition on and realization of environmental damage compensation from all persons involved in illegal mining throughout the State of Haryana including Aravali. It may be observed here that the proceedings for imposition and realization of environmental damage compensation do not originate from and are not dependent on criminal proceedings. The same originate from and are dependent on the illegality of mining and transportation and derive their jurisdiction, validity, and authority from the environmental laws including the Environment (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 thereunder 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 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 by law within two months. Aravali Rejuvenation Action Plan for reclamation/rehabilitation of the land illegally mined in the Aravali region is also prepared and filed within two months".

Whereas, the Hon'ble NGT in its orders dated 26.02.2021 in O.A. No. 360 of 2015 has issued directions in respect of the development of a mechanism for assessment and recovery of compensation regarding mining and directed CPCB to issue direction to the Administrative Secretary of the State to evolve an appropriate mechanism for assessment and recovery of compensation for restoration of the environment by preparing an appropriate action plan. CPCB has already issued directions dated 11.06.2021 for adoption and implementation as per orders of the Hon'ble of NGT;

Whereas, the Govt. of Haryana, Department of Environment & Climate Change considered the directions dated 11.06.2021 and has accorded approval vide Memo No. 16/10/2022-Env. dated 27.06.2022 for adopting approach II mentioned in O.A 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. Further, the High powered Committee has already been constituted for the utilization of environmental compensation for the restoration of the environment, and

separate directions have already been issued in this regard.

Therefore, in the compliance of above orders of the Hon'ble NGT, the Haryana State Pollution Control Board (HSPCB) has considered all the directions of the Hon'ble NGT and CPCB, and made detailed deliberation on all the issues and accordingly prepared a Standard Operating Procedure (SOP) for imposition and realization of Environmental Damage Compensation from units/person involved in illegal mining as enclosed herewith as Annexure-A for compliance with immediate effect.

**Dated Panchkula, the
11th March 2024**

**P. Raghavendra Rao, IAS (Retd.)
Chairman, HSPCB**

Endst. No. HSPCB/Coord.Cell/2024

Dated:

A copy of the above is 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 & Panchayati Raj, Haryana, Plot No.3, Opp Grain Market, Madhya Marg, Sector 28A, Chandigarh.
6. The Principal Chief Conservator of Forests, Van Bhawan, C-18, Sector-6 Haryana, Panchkula.
7. All Deputy Commissioners, Haryana.
8. All Superintendent of Police, Haryana.

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

Endst. No. HSPCB/Coord.Cell/2024

Dated:

A copy of the above was 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.

Signed by

Balraj Singh Ahlawat

Date: 14-03-2024 16:21:22
Chief Env. Engineer, (HQ)

For Chairman

**Standard Operating Procedure (SoP)
for
imposition and realization
of
Environmental Damage Compensation
from Units/Persons involved
in illegal mining
in compliance of the Orders
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 the Hon'ble NGT order dated 11.12.2023 in OA No. 362 of 2022:-

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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.

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:

(i) For a first time violation, the said mineral shall be liable to seized along with the impounding of all such tools, equipment, vehicles or any other things used for such un-authorized operation, which may be released only upon realization of the payment of price of the mineral and the applicable royalty for the mineral extracted and, in addition, a fine which shall not be less than Ten Thousand rupees;

(ii) For a second time violation, the said mineral shall be liable to seized along with the impounding of all such tools, equipment, vehicles or any other things used for such un-authorized operation, for minimum period of seven days, which may be released only upon realization of the payment of price of the mineral and the applicable royalty for the mineral extracted and, in addition, a fine which shall not be less than fifteen thousand rupees;

(iii) Wherever a person is found to be indulging in such offence for the third time or more, the officer concerned shall register an FIR and handover all such tools, equipment, vehicles or any other things used for such un-authorized operation to the Police. Any such offence shall entail (a) confiscation of all such tools, equipment, vehicles or any other thing used for such un-authorized operation for a period of minimum thirty days or more, and pecuniary penalty and punishment for the offence as provided under Section 21 of the Mines & Minerals (Development & Regulation) Act, 1957.

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.

"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 Table1).

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.

Table No. 01				
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

Table No. 02				
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)

$$\begin{aligned}
 PV &= \sum_{t=1}^5 \frac{(D*RF)}{(1+r)^t} \\
 &= \frac{(D*RF)}{(1+r)^1} + \frac{(D*RF)}{(1+r)^2} + \frac{(D*RF)}{(1+r)^3} + \frac{(D*RF)}{(1+r)^4} + \frac{(D*RF)}{(1+r)^5}
 \end{aligned}$$

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

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 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, the concerned RO/Mining Officer will follow up with defaulting Project Proponent/person and issue show cause notice intimating further course of action proposed to take under Mining Act/Rules/Environmental Act (i.e. closure of unit/suspension of mining license etc.).
- 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/RO.
- d. In case the Project Proponent/person fails to deposit EC levied after expiry of six months, the concern Deputy Commissioner shall recover the EC amount in accordance with the provisions of the Haryana Land Revenue Act, 1969 or any other similar Act, for the time being in force.
