

Interim report

of the

Independent five Members Committee

in compliance to order dated 2.3.2021

in

OA no. 57/2021

in the matter of

Amandeep

Vs

State of Himachal Pradesh

**regarding illegal mining at
Som Bhadra River (Swan River)
in District Una of Himachal Pradesh.**

Submitted on:

3rd May, 2021

OFFICE OF THE MONITORING COMMITTEE

Constituted by the Hon'ble National Green Tribunal in

OA No.606 of 2018

(Official Address: Tower No.5, 4th Floor, Forest Complex,
Sector 68, SAS Nagar) Tel. No. 0172-2298091

Email: cecswm606@gmail.com

To

The Registrar,
Hon'ble National Green Tribunal,
Faridkot House, Copernicus Marg,
New Delhi, Delhi 110001

No.CMC/2021/1802

Dated: 3.5.2021

Subject: Interim report of the Independent five Members Committee in compliance to order dated 2.3.2021 in OA no. 57/2021 in the matter of Amandeep Vs State of Himachal Pradesh regarding illegal mining at Som Bhadra River (Swan River) in District Una of Himachal Pradesh.

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It is submitted that the Hon'ble National Green Tribunal that in its order dated 2.3.2021 in OA no. 57/2021 in the matter of Amandeep Vs State of Himachal Pradesh regarding illegal mining at Som Bhadra River (Swan River) in District Una of Himachal Pradesh has considered the application filed by Sh. Amandeep of Village Panjwar District Una, wherein, it has been mentioned that illegal mining at Som Bhadra River (Swan River) in District Una of Himachal Pradesh, is going on and 'Sand Mafia' are lifting the sand & other materials from the bed of the Swan river in an unscientific manner by using big Pokland and JCB machines and causing danger to the river and channelization of the river, where, crores of rupees have been spent. The Hon'ble National Green Tribunal in Para No. 3 & 4 of order dated 02.03.2021 has directed as under:-

- "3. Accordingly, the Secretary, Environment, HP, the State PCB and the District Magistrate, Una may verify facts and take further steps in the matter in terms of the above order of this Tribunal, following due process of law and give its report by email at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF and also upload the same on website of State PCB simultaneously so that the concerned parties/Departments can access the same for further course of action. The State PCB will be nodal agency for compliance and coordination.**
- 4. We also constitute an independent five-member Committee headed by Justice Jasbir Singh, former Judge of Punjab and Haryana High Court, and comprising Regional Officers of the CPCB, the MoEF&CC, the Central Soil and Water Conversation Research Institute, Dehradun and the Himalayan Forest Research Institute, Shimla with the Regional Officer, MoEF&CC, Chandigarh being nodal agency. The Committee may visit the site and give an independent report of**

facts found and remedial action required. The State PCB and the District Magistrate, Una will provide logistic support to the independent Committee by e-mail as above. The Committee will be at liberty to take assistance from such other Institutions/Experts/individuals as necessary. Justice Jasbir Singh, former Judge of Punjab and Haryana High Court will be paid honorarium by the State PCB to be determined by the Chairman, State PCB in consultation with him."

In compliance to order as mentioned in Para No. 3, the Secretary Environment HP, State PCB and District Magistrate Una have to verify the facts and take further steps in terms of the above order of the Tribunal. Further, in compliance of order as mentioned in part of para No. 4 of the said order, Dr. Babu Ram, Former Member Secretary, PPCB, who has vast experience in the field of environment and other related issues and has already been appointed as Technical Expert of the Monitoring Committee by Hon'ble National Green Tribunal, has also been taken as an expert member of Independent Five Members Committee.

The independent five members Committee, constituted by Hon'ble National Green Tribunal, has held its meeting under the Chairmanship of Justice Jasbir Singh, former Judge, Punjab & Haryana High Court and now as Chairman of Monitoring Committee, on 9.4.2021 wherein, it was noted that in compliance to order dated 2.3.2021 of the Hon'ble National Green Tribunal in OA no. 57/2021 as mentioned in Para No. 3 in the matter of Amandeep Vs State of Himachal Pradesh to verify the facts and take further steps in the matter in terms of order dated 26.2.2021 in OA no. 360 of 2015, Deputy Commissioner, Una (Himachal Pradesh) constituted a committee under the Chairmanship of Additional Deputy Commissioner on 20.3.2021.

The committee, constituted by Deputy Commissioner, Una has prepared its report on the basis of random surprise spot visit to major Swan river mining areas on 28.3.2021 and 1.4.2021.

The next meeting of the independent five member committee was fixed on 26.4.2021 through Video conferencing but the Member Secretary, Himachal Pradesh Pollution Control Board vide its letter no. HPSPCB (NGT) OA no. 57/2021/Illegal Mining at Som Bhadra River (Swan River)/2021-849-855 dated 22.4.2021 has informed that in compliance to the decisions in the meeting held on 9.4.2021, a meeting was conducted by the Himachal Pradesh State Pollution Control Board with all the stakeholder department on 20.4.2021 under the Chairmanship of Principal Secretary, Department of Environment, Science & Technology, Govt. of Himachal Pradesh, wherein necessary directions have been issued to all the Concerned Departments in light of the 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 Gujarat).

Further, it was informed that due to unprecedented rise in no. of Covid-19 cases in the State of Himachal Pradesh and to take measures to prevent its spread, Govt. of Himachal Pradesh has issued instructions/guidelines on 20.4.2021 for strict compliance by all the departments/ State Government/Boards/Corporations.

Therefore, it was requested by Member Secretary, Himachal Pradesh State Pollution Control Board to reschedule the meeting to be held on 26.4.2021 in the 2nd week of May, 2021 so that necessary work i.e compilation of action taken report and submission of action plan in coordination with stakeholder department could be submitted to the Monitoring Committee.

Accordingly, the Chairman of the independent five member committee has decided to reschedule the meeting to be held on 26.4.2021 to 13.5.2021 through Video conferencing. Action taken report / Action Plan to be submitted by the stakeholder department in light of the order dated 26.2.2021 in OA no. 360 of 2015, shall be considered by the independent five member committee and suitable action in the matter shall be taken accordingly.

It is submitted that before submitting the final report of Independent five members Committee, the Chairman of the Independent Committee has to consider the view points of Independent Committee on the following issue.

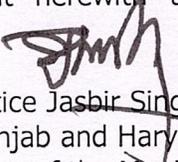
- i) Compliance of the order dated 26.2.2021 in OA No. 360 of 2015 in the matter of National Green Tribunal Bar Association Vs Virender Singh (State of Gujarat).
- ii) Action Taken Reports along with short term and long terms measures to be suggested by the stake holder departments of State of Himachal Pradesh to prevent illegal mining in Som Bhadra river (Swan river).
- iii) Compliance of other decisions taken by Principal, Dept. of Environment, Science & Technology.
- iv) Visit to the mining sites in Som Bhadra river by the independent five member Committee as soon as the prevailing conditions due to COVID-19 pandemic situation allow for safe and detailed visit of the illegal mining sites in Som Bhadra river (Swan river) in District Una (HP).

The independent five member Committee shall submit its final report in OA No. 57 of 2021 in the matter of Amandeep V/s State of Himachal Pradesh after considering the above points and to have filed visit to the mining sites in Som Bhadra river for which 2½ months period may be granted to the independent Committee as the situation in the area due to COVID-19 is not conducive.

In the meantime, the independent Committee under the Chairmanship of Justice Jasbir Singh, former Judge, Punjab & Haryana High Court submit its interim recommendation as under.

Therefore, in the meantime, the Independent Committee has submitted its interim report, which is enclosed herewith for kind consideration of the Hon'ble Tribunal.

It is submitted that the above said interim report is sent herewith through email at judicial-ngt@gov.in.


(Justice Jasbir Singh)
Former Judge Punjab and Haryana High Court
and now as Chairman of the Monitoring Committee

Contents

| Point No. | Description | Page No. |
|-----------|---|----------|
| 1.0 | Background | 1 |
| 2.0 | Consideration of verification/enquiry report submitted by the Additional Deputy Commissioner, Una (HP) by the independent five members Committee. | 2 |
| 2.1 | Report of the Committee in brief | 2-3 |
| 2.2 | Observations of the Committee | 3 |
| 2.3 | Challenges mentioned by the Committee | 4 |
| 2.4 | Recommendations of the Committee | 4 |
| 2.5 | Directions issued by the Chairman of Independent five members Committee in its meeting held on 9.4.2021 | 4-5 |
| 3.0 | Submission of the report in compliance to para no. 3 of order dated 2.3.2021 in OA no. 57 of 2021 by the Deputy Commissioner, Una to the Hon'ble National Green Tribunal | 5-6 |
| 4.0 | Meeting taken by the Principal Secretary, Dept. of Environment, Science and Technology with stakeholder department on 20.4.2021 as directed by the Chairman of the independent five member Committee during the meeting held on 9.3.2021. | 6-7 |
| 5.1 | Decisions taken by the Principal Secretary, Dept. of Environment, Science and Technology on 20.4.2021 | 7-8 |
| 6.0 | Interim recommendations of independent five members Committee | 8-12 |
| | Annexures | |
| | Annexure-1 | 13-16 |
| | Annexure-2 | 17-36 |
| | Annexure-3 | 37-45 |

Interim report of the Independent five Members Committee in compliance to order dated 2.3.2021 in OA no. 57/2021 in the matter of Amandeep Vs State of Himachal Pradesh regarding illegal mining at Som Bhadra River (Swan River) in District Una of Himachal Pradesh.

1.0 Background

Hon'ble National Green Tribunal in its order dated 2.3.2021 in OA no. 57/2021 in the matter of Amandeep Vs State of Himachal Pradesh regarding illegal mining at Som Bhadra River (Swan River) in District Una of Himachal Pradesh has considered the application filed by Sh. Amandeep of Village Panjavar District Una, wherein, it has been mentioned that illegal mining at Som Bhadra River (Swan River) in District Una of Himachal Pradesh, is going on and 'Sand Mafia' are lifting the sand & other materials from the bed of the Swan river in an unscientific manner by using big Pokland and JCB machines and causing danger to the river and channelization of the river, where, crores of rupees have been spent. The Hon'ble National Green Tribunal in Para No. 3 & 4 of order dated 02.03.2021 has directed as under:-

"3. Accordingly, the Secretary, Environment, HP, the State PCB and the District Magistrate, Una may verify facts and take further steps in the matter in terms of the above order of this Tribunal, following due process of law and give its report by email at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF and also upload the same on website of State PCB simultaneously so that the concerned parties/Departments can access the same for further course of action. The State PCB will be nodal agency for compliance and coordination.

4. We also constitute an independent five-member Committee headed by Justice Jasbir Singh, former Judge of Punjab and Haryana High Court, and comprising Regional Officers of the CPCB, the MoEF&CC, the Central Soil and Water Conversation Research Institute, Dehradun and the Himalayan Forest Research Institute, Shimla with the Regional Officer, MoEF&CC, Chandigarh being nodal agency. The Committee may visit the site and give an independent report of facts found and remedial action required. The State PCB and the District Magistrate, Una will provide logistic support to the independent Committee by e-mail as above. The Committee will be at liberty to take assistance from such other Institutions/Experts/individuals as necessary. Justice Jasbir Singh, former Judge of Punjab and Haryana High Court will be paid honorarium by the State PCB to be determined by the Chairman, State PCB in consultation with him."

A copy of the detailed order dated 2.3.2021 is annexed as per **Annexure-1**.

In compliance to order as mentioned in Para No. 3, the Secretary Environment HP, State PCB and District Magistrate Una have to verify the facts and take further steps in terms of the above order of the Tribunal. Further, in compliance of order as mentioned in part of para No. 4 of the said order, Dr. Babu Ram, Former Member Secretary, PPCB, who has vast experience in the field of environment and other related issues and has already been appointed as Technical Expert of the Monitoring Committee by Hon'ble National Green Tribunal, has also been taken as an expert member of Independent Five Members Committee.

2.0 **Consideration of verification/enquiry report submitted by the Additional Deputy Commissioner, Una (HP) by the independent five members Committee.**

The independent five members Committee, constituted by Hon'ble National Green Tribunal, has held its meeting under the Chairmanship of Justice Jasbir Singh, former Judge, Punjab & Haryana High Court and now as Chairman of Monitoring Committee, on 9.4.2021 wherein, it was noted that in compliance to order dated 2.3.2021 of the Hon'ble National Green Tribunal in OA no. 57/2021 as mentioned in Para No. 3 in the matter of Amandeep Vs State of Himachal Pradesh to verify the facts and take further steps in the matter in terms of order dated 26.2.2021 in OA no. 360 of 2015, Deputy Commissioner, Una (Himachal Pradesh) constituted a committee under the Chairmanship of Additional Deputy Commissioner on 20.3.2021.

The committee, constituted by Deputy Commissioner, Una has prepared its report on the basis of random surprise spot visit to major Swan river mining areas on 28.3.2021 and 1.4.2021, a copy of which has been submitted to the independent Committee, which is annexed as per **Annexure-2**

The verification cum enquiry report in the matter submitted by Additional Deputy Commissioner, Una was considered by the independent Committee in its 1st meeting held on 9.4.2021 and report in brief and observations of the committee, constituted by the Deputy Commissioner, Una are mentioned as under:

2.1 **Report of the Committee in brief**

- The Committee, constituted by the Deputy Commissioner, Una has prepared its report based on random surprise spot visits to Major Swan River Mining Area on 28.03.2021 and 01.04.2021 and meeting of the Committee held on 31.03.2021.
- Swan River flowing in the district is main source of mineral sand, stone & bajri and has attained its mature stage in Una. Presently, 92 mining leases have been granted in the District Una, out of which 58 mining lease have been granted in Swan River. Out of 58 mining lease, 33 mining leases have been granted in private land and 4 mining leases have been granted by the Govt. and remaining 21 have been granted in Swan River to feed to existing stone crushers.
- For sustainable harnessing of minor minerals, Himachal Pradesh has framed Minor Mineral (Concession) & Minerals (Prevention of Illegal Mining, Transportation & Storage) Rules, 2015 and as per Rules 19 (15) of the said Rules, use of mechanical equipments for mining activities is prohibited and Rule 34 of the said Rules lays down a general condition mentioning the depth of mining of river bed not more than 1 m or water level whichever is less.

- The data provided by the various Departments of Himachal Pradesh indicate that mechanical mining is going on and 77 cases of violations have been observed by the Department of Police & Mining.
- Random Google Earth Image taken from Nangran area in Swan river bed indicate the working of 6 JCBs/earth moving machines at the site, whereas, during the spot visit no JCBs were found present at the site but large scale mining was found in the area. The mining with depth more than 1 m has been conducted.
- Similarly another Google earth image indicate the use of 1 JCB and 5-6 tractors at the mining site and during the random spot inspection, 2 JCBs were found illegally plying in the area.

2.2 Observations of the Committee

- ✓ Unscientific & illegal mining is undergoing in the river bed at the large scale.
- ✓ Depth of mining has been found more than 1 m which is in violation of the Rule 34 (iv) of the Minor Mineral (Concession) & Mineral (Prevention of Illegal Mining, Transportation and Storage) Rules, 2015 framed by Himachal Pradesh.
- ✓ No boundary marks/pillars for the demarcation of the mining area have been found provided at the mining lease site and shifting of course of river during rainy season gives an excuse to the Mining Lease Holders that the demarcation pillars have been washed away.
- ✓ While granting clearance for sand mining, Mining Plans were got approved by the Mining Lease Holders but the conditions are violated and mining of sand/gravels/stones is carried out without fulfilling the norms.
- ✓ No instance of channelization/infrastructure being damaged due to mining has been observed as reported by Superintending Engineer, Swan River Flood Management Circle. The recommendations made in the District Survey Plan are violated by way of not maintaining the distance of 75 m of the river mining from the periphery soil conservation works/nursery plantation.
- ✓ Overloaded trucks have been found plying on the roads which damaged the low quality roads. In order to check overloading and illegal transportation of the minerals from District Una, 5 Nos Mining Check Posts alongwith weigh bridges have been set up.
- ✓ Mining lease holders/transporters modify/extend the bodies of the trucks to increase their capacity to carry overloaded material in violation of the Motor Vehicle Act.
- ✓ No adverse impact on air quality/water level due to mining has been observed as reported by HPSPCB.

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2.3 Challenges mentioned by the Committee

- ✓ There is network of roads like National Highway, State Highway, Major roads & Interstate exit routes which give them laxity for transporting the minerals in an illegal manner through escape routes.
- ✓ In rainy season, the course of river is shifted, which give chance to the Mining Lease holder to make excuse for washing away of demarcation pillar/other such structures.

2.4 Recommendations of the Committee

- ✓ While approving mining plan of the mining area, Geo-fencing of the area to be leased out should be made so as to remove any ambiguity relating to lease area and boundaries. High frequency GPS enabled tractors may be provided to the Mining/Police Officers to take prompt action against illegal mining activity.
- ✓ JCBs/earth moving equipments may be provided with high frequency GPS with suitable alert mechanism to prevent unscientific/mechanical mining.

The independent five member committee, constituted by the Hon'ble National Green Tribunal under the Chairmanship of Justice Jasbir Singh, Former Judge, Punjab & Haryana High Court and now Chairman of the Monitoring Committee had held detailed discussion on the report, observations, challenges and recommendation of the committee, constituted by the Deputy Commissioner, Una in its 1st meeting held on 9.4.2021 and has given the directions as under:

2.5 Directions issued by the Chairman of Independent five members Committee in its meeting held on 9.4.2021

1. The report of the Committee, submitted by Additional Deputy Commissioner, Una, may be sent to all the Members of the Independent Five Members Committee for their information and comments, if any, on any of the issue so that they may make their suggestions in the next meeting to be held on 26.4.2021 for the effective implementation of the Minor Mineral (Concession) & Mineral (Prevention of Illegal Mining, Transportation and Storage) Rules, 2015.
2. The Orders dated 26.02.2021 in O.A. No. 360/2015 in the matter of National Green Tribunal Bar Association Vs Virender Singh (State of Gujarat) may be sent to all Members of the Independent Committee to peruse the same and the directions issued/observations made in various paras of the said order by the Hon'ble National Green Tribunal may be acted upon for their compliance and the same may be deliberated in the next meeting of the Independent Committee to be held on 26.04.2021 at 11.30 AM at Parwanoo.

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3. The Principal Secretary, Deptt. of Environment, Science & Technology, State of Himachal Pradesh shall hold meeting with stakeholders and the concerned departments within 7 days and implement the 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 Gujarat) and report in this regard may be sent to the Monitoring Committee, within 15 days.
4. The Committee, constituted by the Deputy Commissioner, Una may visit the illegal mining sites, as mentioned in the application and measure the distance of the Mining area from the bridges, Bandhs of the channelized river, status of pillars/demarcation structures at the sites, within 10 days and report be submitted to the Monitoring Committee.
5. Copy of the Himachal Pradesh Minor Mineral (Concession) & Minerals (Prevention of Illegal Mining, Transportation & Storage) Rules, 2015 may be provided to all the Members of the Independent Committee.
6. In compliance to order dated 02.03.2021 in OA No. 57/2021, Dr. Babu Ram, who has been appointed as Technical Expert of the Monitoring Committee by the Hon'ble National Green Tribunal in other matters, is also included as Technical Expert in the Independent five Members Committee to whom honorarium may be paid by HPSPCB to be determined by Chairman/Member Secretary of the Board in consultation with Justice Jasbir Singh, Former Judge, Punjab and Haryana High Court and now as Chairman of the Monitoring Committee.
7. The next meeting of the Independent five members Committee shall be held on 26.04.2021 at 11.30 AM at Parwanoo for which venue shall be decided by HPSPCB.

3.0 Submission of the report in compliance to para no. 3 of order dated 2.3.2021 in OA no. 57 of 2021 by the Deputy Commissioner, Una to the Hon'ble National Green Tribunal

In compliance to order dated 2.3.2021 in OA no. 57 of 2021 in the matter of Amandeep Vs State of Himachal Pradesh, Deputy Commissioner, Una, constituted a committee under the Chairmanship of Additional Deputy Commissioner, Una on 20.3.2021. The said committee submitted its report to the Deputy Commissioner, Una vide no. 280/Dev/ADC dated 7.4.2021. Further, the Deputy Commissioner, Una vide its letter no. 3209/AC/MA dated 7.4.2021 has submitted its report to the Hon'ble National Green Tribunal under intimation to the Monitoring Committee, which has already considered been by the independent five member committee in its

1st meeting held on 9.4.2021 and based on the observations, challenges mentioned by the committee and recommendations made by the committee, the Chairman of the independent five member committee had issued the directions which are mentioned in aforesaid para 2.5.

The next meeting of the independent five member committee was fixed on 26.4.2021 through Video conferencing but the Member Secretary, Himachal Pradesh Pollution Control Board vide its letter no. HPSPCB (NGT) OA no. 57/2021/Illegal Mining at Som Bhadra River (Swan River)/2021-849-855 dated 22.4.2021 has informed that in compliance to the decisions in the meeting held on 9.4.2021, a meeting was conducted by the Himachal Pradesh State Pollution Control Board with all the stakeholder department on 20.4.2021 under the Chairmanship of Principal Secretary, Department of Environment, Science & Technology, Govt. of Himachal Pradesh, wherein necessary directions have been issued to all the Concerned Departments in light of the 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 Gujarat).

Further, it was informed that due to unprecedented rise in no. of Covid-19 cases in the State of Himachal Pradesh and to take measures to prevent its spread, Govt. of Himachal Pradesh has issued instructions/guidelines on 20.4.2021 for strict compliance by all the departments/ State Government/Boards/Corporations. Therefore, it was requested by Member Secretary, Himachal Pradesh State Pollution Control Board to reschedule the meeting to be held on 26.4.2021 in the 2nd week of May, 2021 so that necessary work i.e compilation of action taken report and submission of action plan in coordination with stakeholder department could be submitted to the Monitoring Committee.

Accordingly, the Chairman of the independent five member committee has decided to reschedule the meeting to be held on 26.4.2021 to 13.5.2021 through Video conferencing. Action taken report / Action Plan to be submitted by the stakeholder department in light of the order dated 26.2.2021 in OA no. 360 of 2015, shall be considered by the independent five member committee and suitable action in the matter shall be taken accordingly.

The final report in the matter shall be submitted after visiting the mining sites in Som Bhadra river for thorough inspection/verification of the mining areas in Swan river in District Una (Himachal Pradesh).

4.0 Meeting taken by the Principal Secretary, Dept. of Environment, Science and Technology with stakeholder department on 20.4.2021 as directed by the Chairman of the independent five member Committee during the meeting held on 9.3.2021.

In compliance to the directions of the Chairman of the independent five members Committee during the meeting held on 9.4.2021 as mentioned in Para No. 3, Principal Secretary, Dept. of Environment, Science and Technology, Govt. of

Himachal Pradesh has held meeting with stake holder department of Himachal Pradesh on 20.4.2021 to review the compliance in OA No. 57 of 2021 titled Amandeep V/s State of Himachal Pradesh regarding illegal mining being carried out at Som Bhadra River (Swan river) in District Una, Himachal Pradesh. The minutes of the meeting are enclosed as per **Annexure-3**. The decision taken by the Principal Secretary, Dept. of Environment, Science and Technology in the said meeting are mentioned as under:

5.1 Decisions taken by the Principal Secretary, Dept. of Environment, Science and Technology on 20.4.2021

1. In compliance to Hon'ble NGT directions in order dated 26.02.2021 in O.A. No. 360/2015, District Level Task Force (DL TF) under the Chairmanship of Deputy Commissioner/District Magistrate/Collector with Superintendents of Police and other related senior functionaries (District Forest Officer, District transport officer, Regional officer- SPCBs, Senior Officer of Irrigation Department, District Mining Officer) with one/two independent member nominated by the Commissioner concerned may be constituted or the committee already constituted under Chairmanship of Deputy Commissioner shall be assigned the ToR of DL TF in addition to existing ones.
2. SEIAA will share the KML files with State geologist and Deputy Commissioner Una of all the leases in Swan River for enhanced surveillance through geo-fencing of mining lease area.
3. The State Geologist shall submit a action plan to shift to the geo-fencing of the leases across the State along with clear cut timelines.
4. State Geologist to share notification w.r.t. the revision of fine / challan amount with all the Stakeholders.
5. The District Administration may enhance surveillance to ensure illegal mining activities in Som Bhadra River are minimized.
6. Deputy Commissioner, Una and SP, Una to send a proposal including the funds required to enhance the vigilance against illegal mining. Deputy Commissioner, Una may take up the matter with GoHP for the usage of DMFT funds to strengthen vigilance of illegal mining activities in the area.
7. The State Geologist shall award mining leases as per the DSR plan only and the directions given by the Hon'ble NGT may also be incorporated as conditions in various mining leases granted by the Department.
8. All the concerned departments to prepare action plan (short term and long term) with specific timelines in light of the directions passed by Hon'ble NGT in order O.A. No. 57 of 2021, O.A. no 360 of 2015 and directions of Independent Five Member Committee. The action plan by Director, Science, Technology and Environment, Deputy Commissioner, Una and State Geologist to be sent within three days.

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9. All concerned departments to submit the action taken report along with action plan to HPSPCB within 3 days positively as the case is listed for further consideration before Hon'ble NGT on 10.05.2021.
10. All concerned departments to ensure strict enforcement of laws and take vigorous action against the defaulters as per the provisions under law.

It is submitted that before submitting the final report of Independent five members Committee, the Chairman of the Independent Committee has to consider the view points of Independent Committee on the following issue.

- i) Compliance of the 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 Gujarat).
- ii) Action Taken Reports along with short term and long terms measures to be suggested by the stake holder departments of State of Himachal Pradesh to prevent illegal mining in Som Bhadra river (Swan river).
- iii) Compliance of other decisions taken by Principal, Dept. of Environment, Science & Technology.
- iv) Visit to the mining sites in Som Bhadra river by the independent five member Committee as soon as the prevailing conditions due to COVID-19 pandemic situation allow for safe and detailed visit of the illegal mining sites in Som Bhadra river (Swan river) in District Una (HP).

Thereafter, the Independent Five Member Committee shall submit its final report in OA No. 57 of 2021 in the matter of Amandeep V/s State of Himachal Pradesh after considering the above points and visit to the mining sites in Som Bhadra river for which 2½ month shall be required by the Independent Committee.

In the meantime, the independent Committee under the Chairmanship of Justice Jasbir Singh, former Judge, Punjab & Haryana High Court submit its interim recommendation as under.

6.0 Interim recommendations of independent five members Committee

1. **The report submitted by the Committee, constituted under the Chairmanship of Additional Deputy Commissioner, Una, has prima facie proved that there is unscientific and illegal mining in Som Bhadra river (Swan river), wherein, 58 mining sites have been leased out, out of which 33 mining leases have been granted in private land, 4 mining leases have been granted by the Govt. and 21 mining leases have been granted Swan river to feed existing stone crushers. Unscientific mining has been mentioned due to the following reason.**
 - i) **Depth of mining in river bed is more than 1m**
 - ii) **The data provided by various departments indicate that mechanical mining is going on the mining lease areas and**

the same has been verified by the Deputy Commissioner's Committee from random Google earth images taken from Nagran area in Swan river bed where 6 JCBs/ earth moving machines were found at the site and during spot inspection, 2 JCBs were found illegally plying in the area.

Therefore, independent Committee recommends that Deputy Commissioner, Una may depute District level task force to verify as to whether mining leases operating in river Som Bhadra are complying with general conditions as mentioned in rule 34 of Himachal Pradesh Minor Mineral (Concession) and Minerals (Prevention of illegal Mining, Transportation and storage rules, 2015), failing which legal action may be initiated under rule 71 of the said rules.

2. Since no boundary marks/pillars for demarcation of the mining areas have been found by the Committee at the mining lease sites therefore, the department of Mining/Geology shall mark boundary wall/pillars around each mining site in Som Bhadra river maintaining only one entry and exit gate within 01 month.
3. District level Task Force shall check the compliance of Mining Plan submitted by each mining lease holder operating their mining activities in Som Bhadra river within 02 months and report be submitted to Mining department as well as Deputy Commissioner, Una for further action.
4. The Department of Irrigation (Swan river flood management circle) shall continue to inspect the banks and infrastructure developed for channelization of river Som Bhadra and ensure that no portion of channelized river is damaged due to mining activities in the area. Their inspections may be conducted on quarterly bases.
5. The department of Transport and Police shall jointly check the overloaded trucks / vehicles carrying minor mineral/sand and heavy fine may be imposed on these vehicles/trucks. Driving License of the driver may be seized of and put into safe custody for 01 month.
6. District level Task Force shall seize of the vehicles used for illegal mining in Som Bhadra river and those may be released as per methodology mentioned Para 8 in order dated 26.2.2021 in OA No 360 of 2015.
7. The department of Transport and Police shall jointly check the loaded/overloaded trucks/vehicles carrying minor minerals/sand and in case these trucks are found with extended bodies, the

vehicle may be seized of and shall be released following the procedure and methodology as mentioned in par 8 of order dated 26.2.2021 in OA No 360 of 2015 in the matter of National Green Tribunal Bar Association V/s Virender Singh (State of Gujarat).

8. For transporting of minor mineral material from mining area, only one or two roads may be fixed and notified by department of Mining and all the mined materials should be transported only through these roads. There shall be total restriction on the movement of trucks carrying/transporting minor minerals/sand on the other non notified road
9. The department of Mining/Geology shall provide Geo fencing on all mining lease areas in river Som Bhadra within 03 months.
10. All the mining lease holders shall provide High frequency GPS on the vehicles deployed for transportation of mined material so that their movement can be tracked and can be monitored by the Department of Mining and Police and prompt action may be taken against the illegal mining operator.
11. During the meeting held on 9.4.2021, it was informed to the Independent Committee that no JCB/Mechanical equipments are allowed in mining of minor minerals/sand in Som Bhadra river (Swan river). Therefore, the Independent Committee recommends that no JCB/mechanical equipments may be allowed for mining in the river Swan.
12. In no case, mining of minor minerals/sand may be allowed in night hours.
13. The department of Irrigation may continue to make survey along river Som Bhadra 04 times in a year to ensure that no sand and gravel may be allowed to be extracted where erosion may occur and especially at the concave banks of the river.
14. District level Special Task Force shall not allow extraction of sand and gravel with 200 to 500m from sensitive structures such as water intake system, pumping station and bridges.
15. The department of Mining shall identify ways of scientific and systematic mining in Som Bhadra river and shall conduct replenishment study which may include the time for continuing replenishment after mining on area.
16. The department of Mining shall ensure that while preparing District Survey Report of mining area along Som Bhadra river, the stretches of river having aggradations/deposition of material where mining can be allowed may be identified. Identification of area of erosion and proximity to infrastructure structures and installation where mining should be prohibited may also done.

Res

Further the District Survey report of mining area may be prepared as per structure mentioned in Sustainable Sand Mining Management Guidelines, 2016.

17. For monitoring illegal sand/gravel mining in Som Bhadra river, there should be a provisions of checking Transport permits, printing of transport permit on security papers, invisible ink mark, fugitive ink background and unique barcode system. The department of Mining shall provide said documents to the monitoring teams or District Level Special Task Force at District level. The Monitoring team deployed for checking of vehicles/trucks carrying mined material should be in a position to check the validity of Transport permit or receipt by scanning them using website, mobile phone application and SMS etc.
18. There should a mechanism at district level to generate the system which may enable the authorities to develop periodic report on different parameters like daily lifting report, vehicle log or history, lifting against allocation and total lifting. The system can be used to generate auto mails or SMS. This will enable the Deputy Commissioner to get all the relevant details and shall enable the authority to block the scanning facility of any site found to be indulged in irregularity.
19. The mining lease holder shall ensure that vehicles used for transportation of sand/mined material are to be permitted only with of fitness and PUC Certificates and he shall ensure that the road may not be damaged due to transportation of the mined material and transport of minerals will be as per IRC Guidelines with respect to complying with traffic congestion and density. The compliance in this regard may be checked by department of Mining.
20. The District level Task Force while monitoring the mining areas in Som Bhadra river shall check the following parameters.
 - i) No river/stream bed mining may be allowed within 75 meter from the periphery of soil conservation works, nursery plantations, check dams or within the distance as recommended by the Sub-Divisional Committee whichever is more.
 - ii) No river/stream bed mining may be allowed within 1/10th of its span or 5 meters from the banks or as specified by the Sub-Divisional Level Committee, whichever is more.
 - iii) No river/stream bed mining may be allowed within 200 meters upstream and downstream of water supply

Red

scheme or as specified by the Committee, whichever is more.

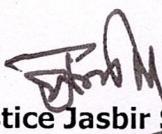
- iv) No river/stream bed mining may be allowed within 200 meters upstream and 200 to 500 meters downstream of bridges depending upon the site specific conditions.
- v) No digging for more than 1 meter shall be allowed in river/stream beds.
- vi) No blasting shall be allowed in river/stream beds.


Dr. Babu Ram


Sunil Dave
Regional Director,
C P C B
Chandigarh


Dr. V.K Hatwal

Sd/-
Dr. P.R. Ojasvi,
IISWC, Dehradum


Justice Jasbir Singh
Former Judge,
Punjab & Haryana High Court
now as Chairman of the Monitoring
Committee

Item No. 05

Court No. 1

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

Original Application No. 57/2021

Amandeep

Versus

Applicant

State of Himachal Pradesh

Respondent

Date of hearing: 02.03.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

ORDER

1. Grievance in this application is against illegal mining at Som Bhadra River (Swan river) in District Una of Himachal Pradesh. It is stated that the Central Government has sanctioned 922 Crores for the channelization of this River. Channelization work was done by spending huge public fund. As many as 73 Khads (Mini water channels from different catchment areas of nearby villages) were also channelised from this huge budget for the welfare of the people at large so that the agricultural land of the nearby villages of the River may be protected from the huge flow of water of this river during rainy season. 'Sand Mafia' having political shelter under the garb of a mining licence, are lifting the sands and other material from the bed of this Swan river in an unscientific manner by using big Pokland and JCB machines, in utter violation of the norms and rules framed for the purpose under the nose and eyes of the local District Administration and government, causing constant danger to the river and to the channelization of this river. Thousands of Trucks are being loaded beyond the required capacity and running on the roads in utter violation of the

norms fixed by the Government. The Trucks-Tippers are being over loaded which are causing damage to the roads, causing pollution in the area, inconvenience to the public at large on the roads and accidents are taking untimely lives of the people at large. There is every possibility that it may cause not only loss, damage and destruction to the channalisation work of the Swan river, it may also cause damage to the bridges, leading to loss of public funds already spent for this purpose, besides loss to the water level. It may cause pollution in the area and threat to peaceful atmosphere of green State of Himachal Pradesh, apart from damage to the roads. The applicant has also relied upon media reports.

2. The above averments give rise to a substantial question of environment which needs to be determined by this Tribunal after verification of the facts. The issue of remedial action to control the menace of sand mining has been dealt with by recent order dated 26.02.2021 in *O.A. 360/2015, NGT Bar Association v. Virender Singh (State of Gujarat) & Ors.*

3. Accordingly, the Secretary, Environment, HP, the State PCB and the District Magistrate, Una may verify facts and take further steps in the matter in terms of the above order of this Tribunal, following due process of law and give its report by email at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF and also upload the same on website of State PCB simultaneously so that the concerned parties/Departments can access the same for further course of action. The State PCB will be nodal agency for compliance and coordination.

4. We also constitute an independent five-member Committee headed by Justice Jasbir Singh, former Judge of Punjab and Haryana High Court,

and comprising Regional Officers of the CPCB, the MoEF&CC, the Central Soil and Water Conversation Research Institute, Dehradun and the Himalayan Forest Research Institute, Shimla with the Regional Officer, MoEF&CC, Chandigarh being nodal agency. The Committee may visit the site and give an independent report of facts found and remedial action required. The State PCB and the District Magistrate, Una will provide logistic support to the independent Committee by e-mail as above. The Committee will be at liberty to take assistance from such other Institutions/Experts/individuals as necessary. Justice Jasbir Singh, former Judge of Punjab and Haryana High Court will be paid honorarium by the State PCB to be determined by the Chairman, State PCB in consultation with him.

The applicant may serve a set of papers on the Secretary, Environment, HP, the State PCB, the District Magistrate, Una, Justice Jasbir Singh, former Judge of Punjab and Haryana High Court, the CPCB, the MoEF&CC, the Central, Soil and Water Conversation Research Institute, Dehradun and the Himalayan Forest Research Institute, Shimla and file an affidavit of service within one week.

A copy of this order be forwarded to the Secretary, Environment, HP, the State PCB, the District Magistrate, Una, Justice Jasbir Singh, former Judge of Punjab and Haryana High Court, the CPCB, the MoEF&CC, the Central, Soil and Water Conversation Research Institute, Dehradun and the Himalayan Forest Research Institute, Shimla by e-mail for compliance.

List for further consideration on 10.05.2021.

Adarsh Kumar Goel, CP

S.K. Singh, JM

Dr. Nagin Nanda, EM

March 02, 2021
Original Application No. 57/2021
SN

From

The District Magistrate,
Una, District Una (H.P.)

To

The Hon'ble National Green Tribunal,
Principal Bench, New Delhi.

No. ³²¹⁰⁻³²¹²
/AC/MA
Dated 07.04.2021

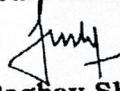
Sub: - O.A. No. 57 of 2021 titled as Amandeep Versus State of
Himachal Pradesh.

Respected Sir,

It is most respectfully submitted that in compliance to the order dated 02.03.2021 passed by this Hon'ble Tribunal the undersigned had constituted a committee under the chairmanship of the Additional Deputy Commissioner, Una vide order bearing endorsement No. 3185-3195/AC/MA dated 20.03.2021 (copy annexed as **Annexure-A**) with the direction to examine and verify the facts after spot verification and take further steps in the matter in terms of order dated 26.02.2021 passed by this Hon'ble Tribunal in O.A. No. 360/2015 and submit its report within a week to the undersigned. It is further submitted that the Addl. Deputy Commissioner, Una vide his letter No. 280/Dev/ADC dated 07.04.2021 (copy annexed as **Annexure -B**) while sending detailed report has submitted that this report has been prepared on the basis of random surprise spot visit to major Swan River Mining Areas (28.03.2021 and 01.04.2021), meeting held with the members of the said committee on 31.03.2021 as well as reports and replies received from all the concerned departments to verify the allegations mentioned in the original application before this Hon'ble Tribunal.

This is for favour of your kind information & further necessary action please.
Encls: As above.

Yours faithfully,


Raghav Sharma, IAS

District Magistrate,
Una, District Una (H.P.)

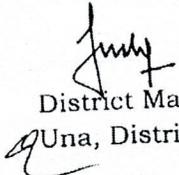
Ph. No.01975-225800.

Dated 07.04.2021

Endst No. ³²¹⁰⁻³²¹²
/AC/MA

A copy is forwarded to: -

1. Dr. Babu Ram, Technical Expert, Monitoring Committee constituted by the Hon'ble Tribunal (through Email on cecswm606@gmail.com) for favour of information please.
2. The Member Secretary, H.P. State Pollution Control Board, Him Parivesh Phase -III, New Shimla-9 for favour of information please w.r.t. his letter No. 26626-30 dated 12.03.2021.


District Magistrate,
Una, District Una (H.P.)

From

The Additional Deputy Commissioner,
Una, District Una (HP)

To

The Deputy Commissioner,
Una, District Una (HP)

No. 280 /Dev/ADC

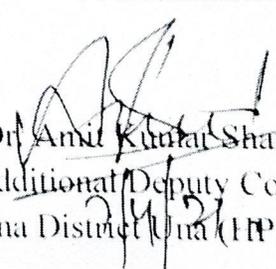
Dated: - 07.04.2021

Subject :- O.A No. 57/2021 tilted as Amandeep Versus State of Himachal Pradesh.

Sir,

Kindly refer to your officer order bearing Endst No. 3185-3195/ AC/MA dated 20.03.2021 on the subject cited above. Please find enclosed herewith the detailed verification cum enquiry report in compliance to order dated 02.03.2021 passed by Hon'ble NGT. This report has been prepared on the basis of random surprise spot visit to major Swan River Mining Areas (28/3/2021 and 01/04/2021), meeting held with the members of the committee on 31.03.2021 and reports and replies received from all concerned departments to verify the allegations mentioned in the application before NGT for favour of further necessary action please.

Yours faithfully,


(Dr. Anil Kumar Sharma, IAS)
Additional Deputy Commissioner,
Una District Una (HP)

AC
M
7/4/2021

Verification cum Enquiry report in compliance to order dated 2/03/2021 passed by Hon'ble NGT in O.A. No. 57/2021 in the matter of Amandeep vs State of Himachal Pradesh

1. Background:

The matter is in reference to order dated 2/03/2021 passed by Hon'ble NGT in O.A. No. 57/2021 in the matter of Amandeep vs State of Himachal Pradesh and letter no. CEC/2021/1677, dated 14/3/2021 received from Office of Monitoring committee (constituted by Hon'ble NGT). The matter being dealt in this order is a grievance against illegal mining being carried at Som Bhadra River (Swan River) in district Una of Himachal Pradesh.

In the above mentioned order, following directions were issued by Hon'ble NGT:

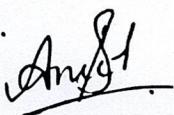
"3. Accordingly, the Secretary, Environment, HP, the State PCB and the District Magistrate, Una may verify facts and take further steps in the matter in terms of the above order of this Tribunal, following due process of law and give its report by email at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF and also upload the same on website of State PCB simultaneously so that the concerned parties/Departments can access the same for further course of action. The State PCB will be nodal agency for compliance and coordination.

4. We also constitute an independent five-member Committee headed by Justice Jasbir Singh, former Judge of Punjab and Haryana High Court, and comprising Regional Officers of the CPCB, the MoEF&CC, the Central Soil and Water Conversation Research Institute, Dehradun and the Himalayan Forest Research Institute, Shimla with the Regional Officer, MoEF&CC, Chandigarh being nodal agency. The Committee may visit the site and give an independent report of facts found and remedial action required. The State PCB and the District Magistrate, Una will provide logistic support to the independent Committee by e-mail as above. The Committee will be at liberty to take assistance from such other Institutions/Experts/ individuals as necessary. "

Therefore, in compliance with the aforementioned order dated 02/03/2021 of the Hon'ble NGT and to verify the facts and take further steps in the matter in terms of order dated 26/02/2021 in O.A No. 360/2015, DC Una constituted a committee on 20/03/2021. The committee consisted of Additional Deputy Commissioner (ADC) Una(Chairman), Superintendent of Police(SP) Una(member), Superintending Engineer(SE) IPH Circle Una(member), Superintending Engineer, Swan River Una(member), Superintending Engineer(SE) HPPWD, Una(member), All the Sub Divisional Officers (Civil) of Una district (member), Environmental Engineer, H.P. Pollution Control Board, Una(member), Regional Transport Officer Una(member), Assistant Engineer, Soli & Conservation, Una (member) and Mining Officer, Una (Member Secretary).

The committee was directed to verify the facts after spot verification and take further steps in the matter in terms of order dated 26/02/2021 on O.A No. 360/2015 titled as NGT Bar Association Vs. Virender Singh (State of Gujarat & Ors.) of the tribunal and submit the report.

This report has been prepared on the basis of random surprise spot visits to major Swan River Mining Areas (28/3/2021 and 01/4/2021), meeting held with the members of the committee on 31/03/2021 and reports



and replies received from all the concerned departments to verify the allegations mentioned in the application before NGT.

2. Contents of the Application:

In his application (Original application no. 57/2021) before the National Green Tribunal, Principal Bench, New Delhi, applicant Amandeep made following allegations:

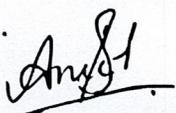
'Sand Mafia' having political shelter under the garb of a mining licence, are lifting the sands and other material from the bed of this Swan river in an unscientific manner by using big Pokland and JCB machines, in utter violation of the norms and rules framed for the purpose under the nose and eyes of the local District Administration and government, causing constant danger to the river and to the channelization of this river. Thousands of Trucks are being loaded beyond the required capacity and running on the roads in utter violation of the norms fixed by the Government. The Trucks-Tippers are being over loaded which are causing damage to the roads, causing pollution in the area, inconvenience to the public at large on the roads and accidents are taking untimely lives of the people at large. There is every possibility that it may cause not only loss, damage and destruction to the channalisation work of the Swan river, it may also cause damage to the bridges, leading to loss of public funds already spent for this purpose, besides loss to the water level. It may cause pollution in the area and threat to peaceful atmosphere of green State of Himachal Pradesh, apart from damage to the roads. The applicant has also relied upon media reports".

3. Background of Mining in Swan River:

The Swan river is the major river flowing in the district having good mineral potential with the length of about 63 Km, area of about 3700-00-00 hectare and catchment area of about 1222 Sq. Km. The Swan river is having total 33 tributaries on the right bank and 17 tributaries on the left bank. It forms a part of Sutlej River Drainage system. It exhibits dendritic type of drainage pattern. The Swan is primary tributary of Sutlej River which originates near village Dangoh at an altitude of 972 metres from mean sea level (MSL) and meets the Sutlej River downstream of Himachal Pradesh border in Punjab.

As per the provisions of the Himachal Pradesh Minor Minerals (Concession) and Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2015 and the Notification issued on dated 15.01.2016 by the Ministry of Environment, Forest, and Climate Change, Government of India, District Survey Report has been made essential for obtaining the environment clearance for mining in the river beds. The District Survey Report as finalized by the District Environment Impact Assessment Authority (DEIAA) after carrying out a survey with the assistance of Geology Department, Irrigation Department, Forest Department, H.P. Public Works Department, Ground Water Board or Remote Sensing Department & Mining Department etc. On the basis of recommendations given in the District Survey Report, mineral concessions are granted by the competent authorities.

To meet out the demand of the raw material through the legal source in Una district, total 92 no's of the Mineral concessions have been granted and 46 stone crushers have been sanctioned. Out of 46, 39 stone crushers are operative in the district and adjoining border area.



Since the construction & developmental activities have increased many folds as such, to meet out the requirement of raw material for the development processes in district Una the extraction of sand, stone and bajri is being carried out from the mining leases granted in river beds as per the recommendation of District Survey report as well as from hill slopes. The demand of sand is mainly met through by river borne sand whereas the demand of bajri/grit is either met through river borne collection or through manufactured grit by stone crushers. Two types of mineral concessions are being granted in the district i.e. through grant of mining Lease on private land and through process of open auction in Govt. land. Before the grant of any mineral concession, the area applied by the private project proponent is investigated through a Joint Inspection committee which has been constituted under the chairmanship of Sub- Divisional Magistrate concerned, having members from the Revenue department, representative of I&PH department, Forest department, HPPWD department, HP Pollution control board and Mining officer. The aforesaid joint inspection committee further study the various distance parameters such as location of the water supply and Irrigation & Public health schemes, location of the public utility points, bridges, cremation sheds, hydroelectric projects reservoir, Ghrats, public paths, Khuls, River bunds and check dams, wild life sanctuaries, HPPWD structures etc. located around the region of the identified sites. Accordingly, the committee sends the recommendations to the higher authorities after keeping the safe distance from the sensitive locations at the site. In the Una district, additional member i.e. representative of the flood protection department are also involved in the joint inspection so that the area bearing the safe distance from the embankment or channelization be proposed.

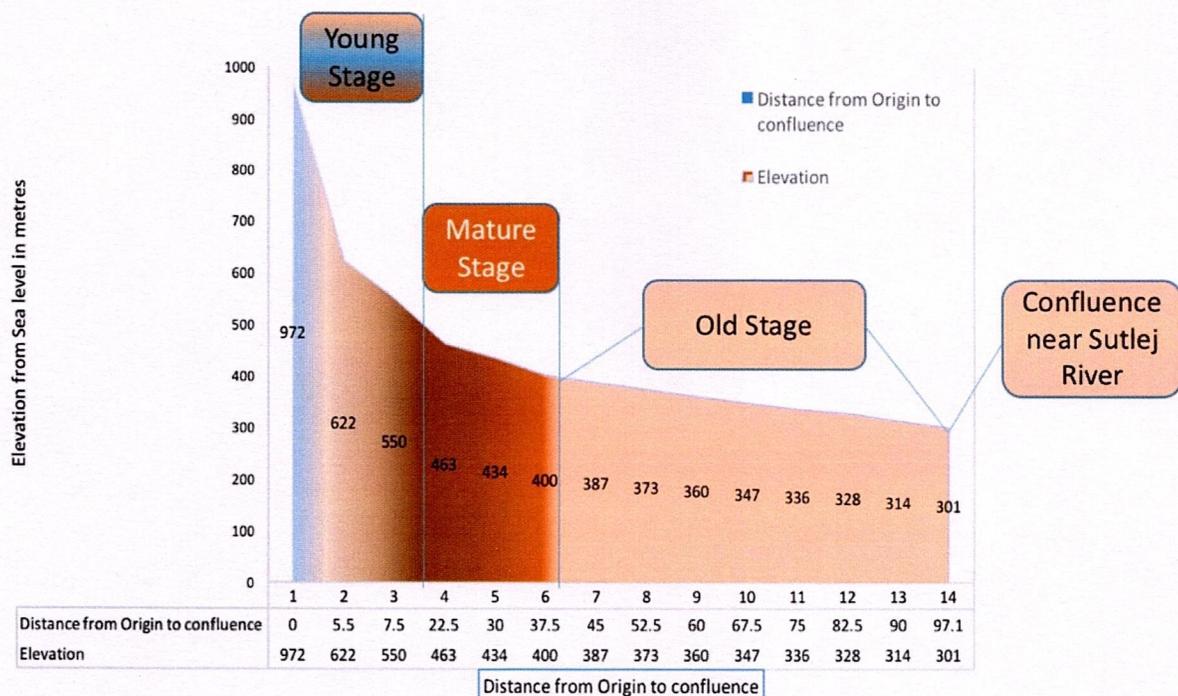
As such the mineral bearing area is recommended for the mineral concession only after the spot inspection and recommendations of above said joint inspection committee and rest of the area which may have sufficient minerals, but due to the location of the above said sensitive structures could not be allotted for the mining purposes, sometimes becomes vulnerable for the illegal mining activities. Before starting the mining in the granted mining lease area, project proponent has to get the mining plan approved from the competent authorities for the systematic & scientific mining. In the granted area, the minable reserves on the allotted site are calculated in the mining plan and the concession holders has to restrict the production of the minerals in accordance to the approved mining plan or the Environment clearances, whichever is less.

Since "Swan river" flowing in the District is the main source of mineral sand, stone, & bajri, and has attained its matures stage in Una, therefore remarkable load in the form of sand, stone & bajri gets accumulated in the Swan river annually especially during the rainy season. As such to meet out the requirement of minor mineral in the district, total of **92 no's of mining leases have been granted in the district Una till 15th March 2021, out of which 58 mining lease have been granted in the Swan river. From total 58 no's of mineral concessions in the Swan river, 33 no's of mineral concessions have been granted in private land and 04 no's of mining leases granted by the way of auction in the Govt. land for the open sale of the river borne material. The remaining 21 no's of mineral concessions granted in the Swan River have been sanctioned to the feed the existing stone crushers units** (Details of 58 mining leases as per annexure-I).

As per the river profile of the Swan river, majority of the lease areas fall under "old stage" part of the river bed. Thus the river spreads the minor minerals to considerable length and breadth especially sand.



Stream Gradient & Stream Stages of Swan River



| Sub-Division | Type of Land | | Grand Total (Percentage) |
|--------------------|-----------------|----------------|--------------------------|
| | Government Land | Private Land | |
| Amb | 45470 | 123418 | 168888 (8%) |
| Gagret | | 460281 | 460281 (22%) |
| Haroli | | 413841 | 413841 (20%) |
| Una | 282930 | 769399 | 1052329 (50%) |
| Grand Total | 328400 | 1766939 | 2095339 |

Table 1: Summary of Mining leases given in Swan river bed (58 leases in total)

Overall 50% percent of mining lease areas in Swan river bed, fall under the jurisdiction of Una Sub-division, followed by Gagret Subdivision (22%), Haroli Subdivision (20%) and Amb subdivision having minimum of the lease area (8%). As per the GPS coordinates received from field revenue officials' majority of the mining lease area fall south –east to the Ghaluwal Bridge.

Amr Singh

Leased area (sq. metre)- Based on type and jurisdiction

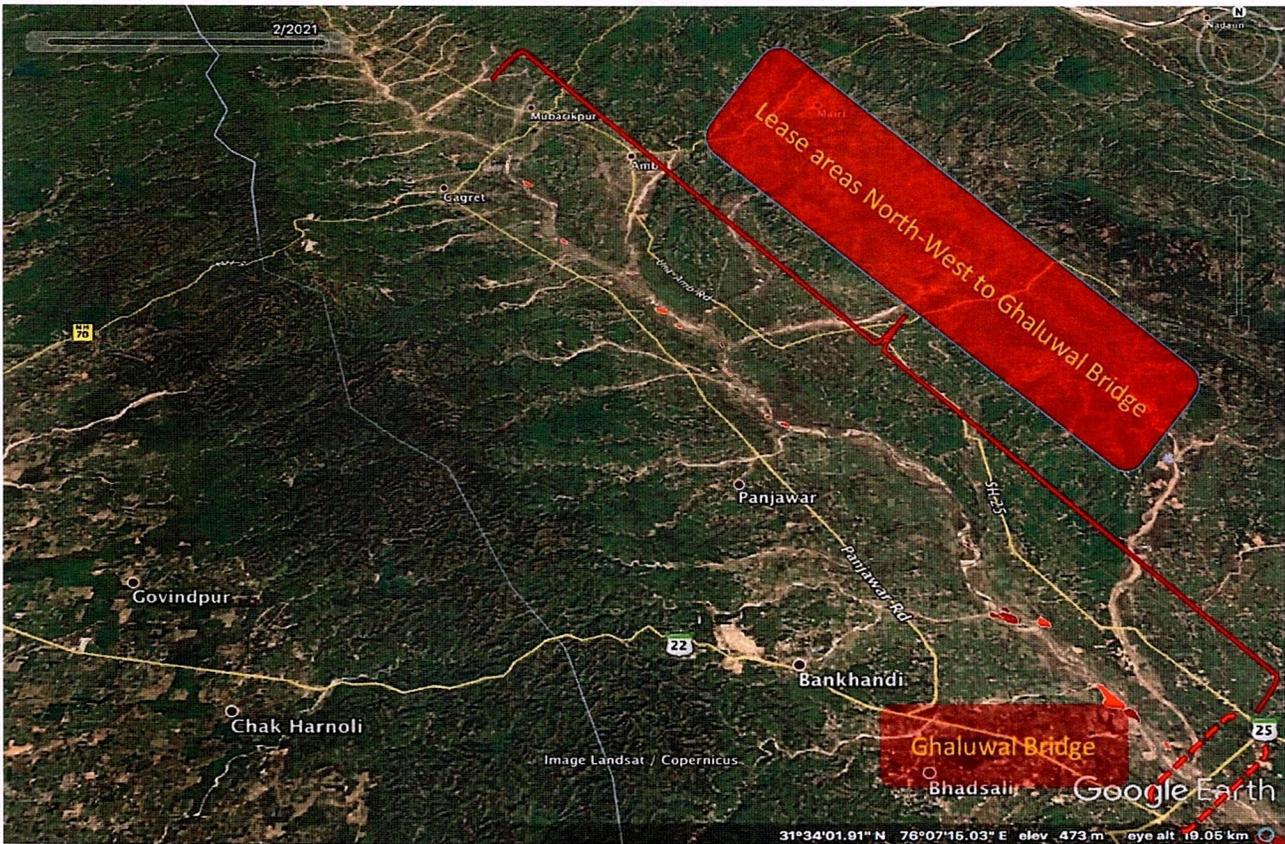


Image 1: Mining lease locations (Plotted as red colour) North-west of Ghaluwal Bridge

Amr



Image 2: Mining lease locations (Plotted as red colour) South- East of Ghaluwal Bridge

4. Findings vis- a –vis allegations:

4.1. Unscientific mechanical mining in the Swan River:

In order to ensure the sustainable harnessing of minor minerals, Himachal Pradesh Minor Minerals (Concession) and Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2015 were framed. As per these rules, for all the mining concessions or leases “District Survey Report” has been made essential for obtaining the environment clearance for mining in the river beds. Besides this Project Proponent has to get the mining plan approved from the competent authorities for the systematic & scientific mining. The major safeguards to ensure sustainable mining are incorporated in District Survey Report as well as mining plans.

1. The section 19(15) of Himachal Pradesh Minor Minerals (Concession) and Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2015 forbids the usage of mechanical mining. The mechanical mining in river/stream bed shall be allowed only with the help of tyre mounted front end loader up-to 80 Horse Power without backhoe with the permission of the Competent Authority *i.e.* Director. None of the mining leases in Swan river, Una district have got permission to do mechanical mining.
2. Besides this the section 34 (iv) of Himachal Pradesh Minor Minerals (Concession) and Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2015 lays down a general condition for grant of mineral concession whereby the depth of mining in the river bed shall not exceed one metre or water level whichever is less:

Provided that where the Joint Inspection Committee certifies about excessive deposition or over accumulation of minerals in certain reaches requiring channelization, it

Amr

can go upto two metres on defined reaches of the river.

3. Rule 19(5) of the rules ibid says that the lessee shall at his own expense erect and at all times maintain and keep in good repair boundary marks and pillars necessary to indicate the demarcation shown in the plan annexed to the lease.

Data of violations provided by mining & police department clearly point out that mechanical mining is going on in the area and cases are being detected regularly. In the years 2019-20 and 2020-21, total 77 cases of violations were detected by Police and Mining department, where mechanical mining was being done. 1 FIR was registered by Police department against the tipper driver for overloading and driving it in rash and negligent manner, so as to deter public servant from discharging its duty (section 279,353 & 506 of IPC, s 184 of MV act & s 21 of mining act). The lease was further recommended for the cancellation to mining department. A total compounding fine/penalty of rs. 35,64,000 was collected. During the period of 2 years, mining activities of 03 mining lease holders were suspended due to violations in the granted area.

| Sr. No | Department/ Officials | Details | No of cases | | Fine/ Penalty collected | Remarks |
|--------|-----------------------|--|-------------|---------|-------------------------|---|
| | | | 2019-20 | 2020-21 | | |
| 1. | Mining Department | Illegal mining / extraction (Manual) | 09 | 02 | 1,10,000 | - For the year 2019-20, 03 cases pending before Hon'ble court and 6 cases pending for compounding & 4 cases pending before the Hon'ble court for the year 2020-21. - During the period of 2 years mining activities of the 03 mining lease holders were suspended due to violations in the granted area. |
| | | Illegal mining / extraction (Mechanical) | 17 | 09 | 13,25,000 | |
| | | Illegal Storage of Mining material | - | - | - | |
| | | Illegal Transportation | 193 | 191 | 27,54,170 | |
| 2. | Police Department | Illegal mining / extraction (Manual) | - | - | - | |
| | | Illegal mining /extraction (Mechanical) | 10 | 31 | 22,39,000 | |
| | | Illegal Storage of Mining material | - | - | - | |
| | | Illegal Transportation | 626 | 603 | 1,21,24,000 | |
| 3. | SDM, Una | Illegal Transportation | 06 | 02 | 69,000 | - |
| 4. | SDM, Gagret | Illegal Transportation | - | - | - | - |
| 5. | SDM, Haroli | Illegal Storage of Mining material | 4 | - | 16,000 | SDM Haroli made visits with the police and mining staff. So, the maximum challans are made by police and mining staff |
| 6. | SDM, Bangana | Illegal Transportation | 2 | - | 10,000 | - |
| 7. | SDM Amb | Illegal Transportation | - | - | - | - |

Table 2: Details of cases challaned/ detected related to illegal Mining, Storage & Transportation.

Amr

a) A random google earth image from Nangran area in Swan river bed, whereby 6 JCBs/ Earth moving equipment could be visibly seen mining the area (approx. 11000 metre²), is reproduced below. During spot visit to the area, large scale mining was found in the area but no JCBs were present on the day of inspection in river bed. Visibly enough the depth of mining was more than 1 metres which is clear violation of rule 34(iv) of the Himachal Pradesh Minor Minerals (Concession) and Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2015.



Image 3: Status of river bed near Nangran on 03/2020

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Image 4: Status of river bed near Nangran on 04/2021 (J: JCB)

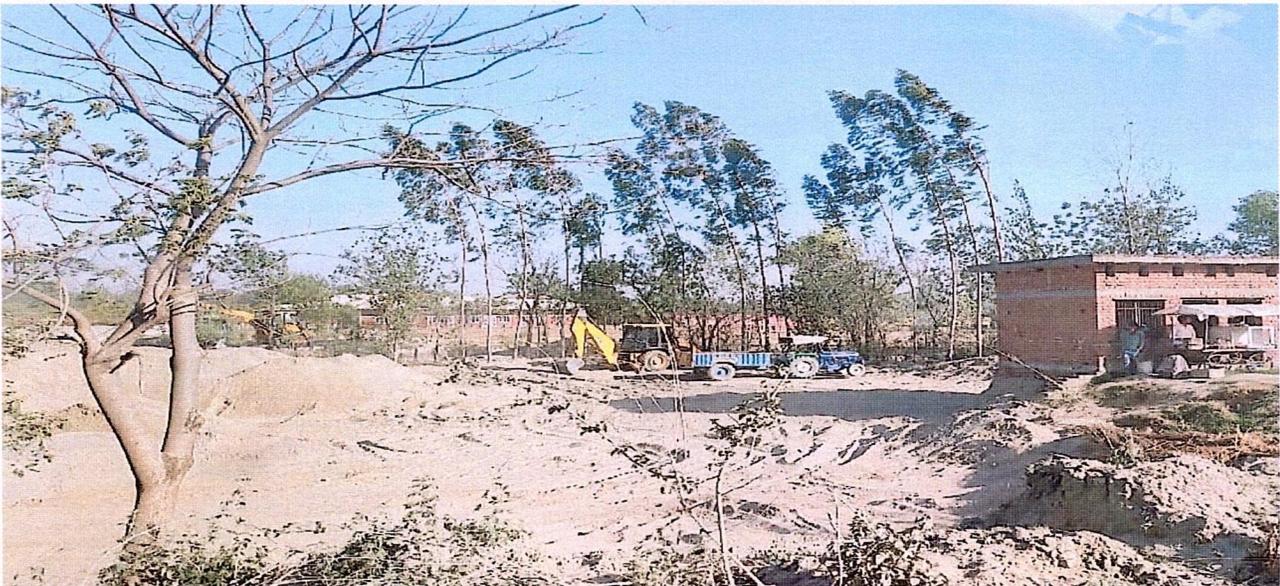


Image 5: one of the Storage depot near Nangran Area

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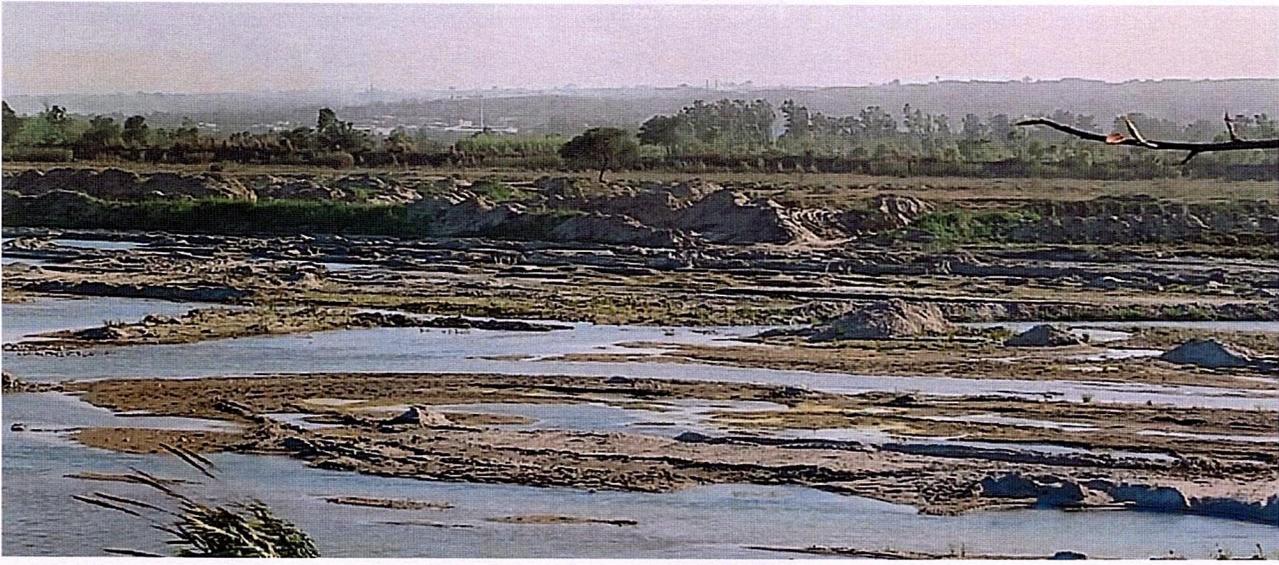


Image 6 & 7: Intense mining in river bed and mounded sand material.

- b) Similarly, another random area near *Kuthar Khurd*, seen through Google earth (feb,2021) clearly shows one JCB and 5-6 tractors being used for mining. During one of the random spot visits to the area, 2 JCBs were found illegally plying in the area and were caught for the violations (pictures Below).

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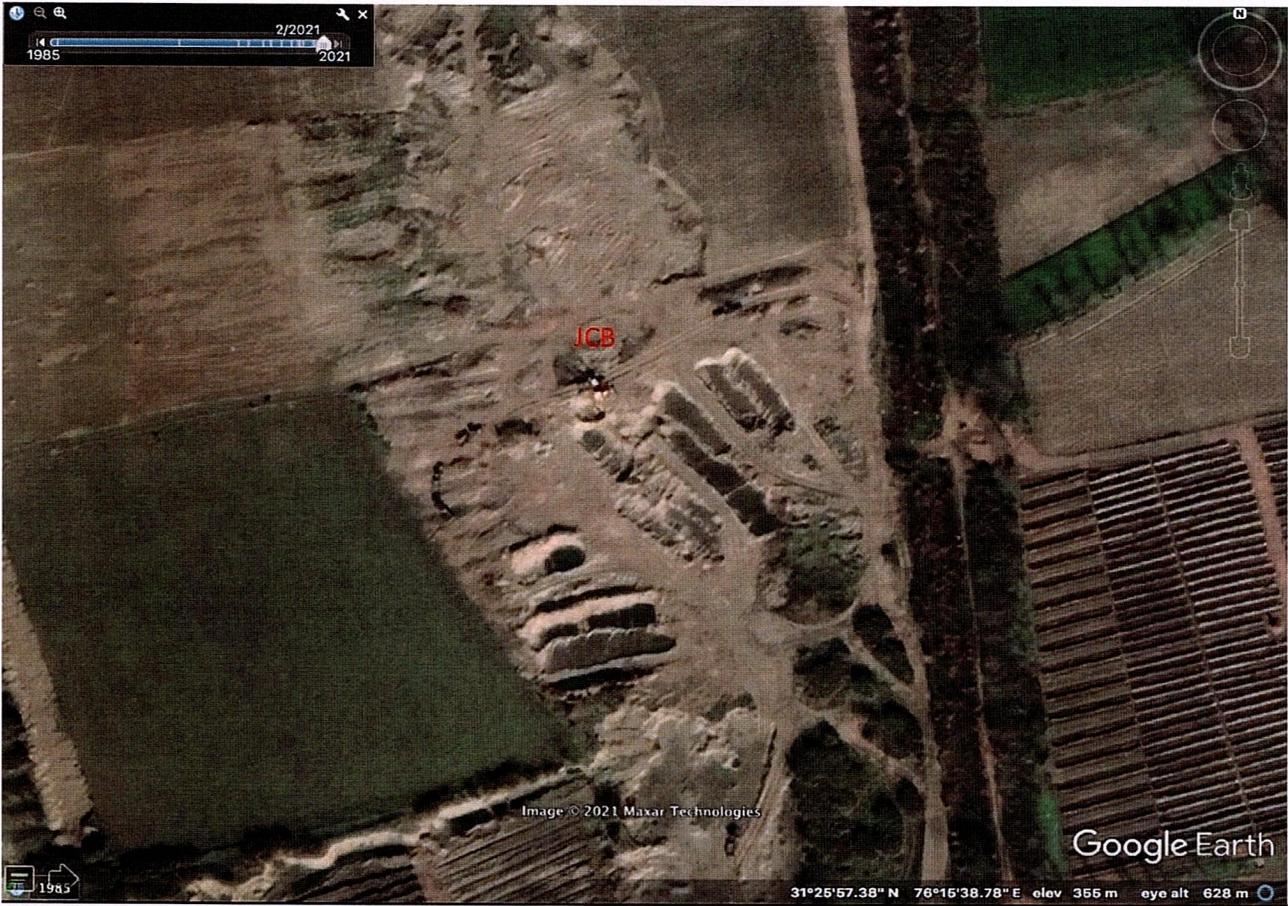


Image 8: Picture Google earth image of random area (near Kuthar Khurd) showing JCB.



Image 9: 2 JCBs plying over a random area near Kuthar Khurd during spot inspection.

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Image 10: 2 JCBs plying over a random area near Kuthar Khurd



Image 11 & 12: Showing a mining depth of approx. 7-8 feet and JCB with specially modified bucket for mining

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Image 13: Stand-alone temporary rare boundary pillars

From both the random visits to the area, google earth analysis and deliberations with the committee members, following observations can be made:

1. The unscientific and illegal mechanical mining is undergoing in the river bed at large scale in violation of section 19(15) of the rules *ibid*. Based on the google images and general public perception, Mining & Police department could only catch a small fraction of it. In total, district Una have 518 number of registered JCBs/ Excavators/ Earth moving equipment.
2. The condition imposed as per section 34 (iv) of the rules *ibid*, whereby the depth of mining in the river bed shall not exceed one metre or water level whichever is less, is neither followed by the lessee nor there is any monitoring mechanism except the random visits to the area.
3. Although as per Rule 19(5) of the rules *ibid*, it's the responsibility of the lessee to erect at his own expense and at all times maintain and keep in good repair boundary marks and pillars necessary to indicate the demarcation shown in the plan annexed to the lease. But in reality, the demarcation pillar marks are an exception rather than the norm. Wherever available, the boundary pillars are neither accurate nor prominent. The shifting nature of river, especially during rainy season gives an excuse to lease holders that the demarcation pillars have been washed away. In absence of properly demarcated and visibly identifiable lease area, it's difficult to differentiate between legal and illegal mining if any. Overall ambiguity of land boundaries and the availability of private agricultural land in the Swan river bed, further complicates the problem.

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Via the notification dated 30.04.2011, 39 categories of officers/officials were authorized to make complaints in writing in the court of competent jurisdiction in respect of any offence punishable under the Mines and Minerals (Development & Regulation) Act, 1957 (Act No. 67 of 1957). For aerial surveillance of illegal mining prone areas, one Drone was also provided to Police Department.

The major problem is that the leaseholders take clearance for sand mining along with duly approved mining plans but they do not follow the conditions scrupulously, on the basis of which clearance was given. Conditions, like avoiding the use of machines or doing sand mining till a particular depth, are being rarely

followed. Onus for following the mining plans is majorly on the lease holder. Lack of regular monitoring mechanism and paucity of resources with mining & police department, makes it difficult to monitor the vast length & expanse (63 Km) of Swan river for unsustainable mining practices.

Although during the period of 2 years, mining activities of the 03 mining lease holders were suspended due to violations in the granted area. Departments also have collected a fine of approx. rs 1.86 crore on account of illegal mining and rs. 42.16 lakh on overloading within 2 years (2019-20 to 2020-21). But all these punitive actions are not able to deter the unscientific and illegal mining.

4.2. Impact of mining on Channelization:

As per the report received from Superintending engineer, Swan River Flood Management Project circle, Una district, at present there is no instance of channelization assets /infrastructure being damaged due to mining.

One of the general recommendations of "District Survey Plan" mentions that "No River/Stream bed mining shall be allowed within 75 meters from the periphery of soil conservation works, nursery plantation, check dams or within the distance as recommended by the Sub-Divisional Committee, whichever is more". The Superintending engineer, Swan River Flood Management Project circle, Una district has communicated (24/3/21) a list of 27 sites where the recommendations of "District Survey Plan" are violated. The list is being enquired by the mining department for identifying the violators and the action will be taken as per law.

Besides this Flood protection division, Gagret, District Una has taken several steps to discourage the un-scientific mining in main Swan River & its tributaries/Khads by destroying ramps at mining sites. Joint inspections have been carried out with mining authorities. One FIR (No. 348/19, dated 10/10/2019) was also registered against the Mining lease holder besides the regular notices being issued.

| Sr. No | Department/ Officials | Details | No. of cases | | Approx damage | Remarks |
|--------|---|--|--|--|---------------|--|
| | | | 2019-20 | 2020-21 | | |
| 1. | Jal Shakti Vibhag/ Flood Protection Division, Gagret, Distt. Una, (H.P) | Damage to Swan river channelization assets/ infrastructure due to mining | Nil | Nil | Nil | - |
| | | Violations from recommendations/ conditions of District Survey Report | 27 No. of sites at different stretches in main Swan River & its tributaries/ Khads | 27 No. of sites at different stretches in main Swan River & its tributaries/ Khads | - | As per District Survey Report, mining is prohibited in the span starting from edge of waterway upto 75 m towards river/khad. However it is not being followed. |

Table 3: Details of violations leading to damage to Swan River Channelization.

Although there is no instance of channelization assets /infrastructure being damaged due to mining at present. But due to excessive un-scientific mining, the bed level of Swan river & its tributaries/ Khads might go down year by year. This can lead to excessive launching of aprons of the embankments at some reaches.

4.3.Overloading of Trucks-Tippers and related issues:

The issue of overloaded vehicles being plied on the roads are being penalised as per Motor Vehicles(MV) act. Overloading not only increases the possibility of accidents, but also damages our road infrastructure – especially in a country where most of our roads lack quality. During past 2 years, 474 violators were penalized for overloading and an amount of rs. 42.16 lakh was collected as penalty. As per the HPPWD's report, two roads namely Una-Ajouli road and Bharolian Badehar Charatgarh road were damaged due to overloading with approx. damage amounting to rs. 23 lakh.

| Sr. No. | Department/officials | Details | No of Cases | | Fine/ Penalty Collected | Remarks |
|---------|----------------------|---|-------------|---------|-------------------------|--|
| | | | 2019-20 | 2020-21 | | |
| 1. | Police Department | Overloading | 10 | 17 | 4,70,000 | - |
| 2. | Transport Department | Overloading | 52 | 395 | 37,46,500 | Details of overloading include all types of materials including Sand, Bajri, Boulders etc. |
| 3. | Mining Department | Overloading | - | - | - | *Included in illegal transportation data at table 2. |
| 4. | HPPWD | Damage to Public Road infrastructure due to overloaded vehicles | - | - | - | <ul style="list-style-type: none"> Slippage and crocodile cracking in Una Ajauli road (Km. 8/00 to 13/00)- Approx damage rs 18,00,000. Pot Holes and crocodile cracking in Bharolian Kalan Badehar Charatgarh road Km 0/00 to 4/200- Approx Damage rs. 5,00,000. |

Table 4: Details of violations detected for Overloading and the damage to roads owing to it.

In order to check overloading and illegal transportation of the minerals from district Una, the 05 nos of Mining Check Posts (MCPs) along with the weigh bridge have been established on dated 15/03/2021 which will be helpful in controlling the transportation of the minerals in violation of Himachal Pradesh Minor Minerals (Concession) and Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2015 and MV Act, 1988.

It is generally seen that the tipper/truck owners, mostly from out of the state, modify/extend the bodies to increase the capacity in violation of the MV act. The new Motor Vehicles Act, amendments are approved by the state government but are pending for notification. As soon as the new provisions are applicable in the state, the heavy fines will discourage the overloading violations.



4.4. Roads accidents due to mining:

| Sr. No. | Department/ officials | Details | No of Cases | | Fine/Penalty Collected | Remarks |
|---------|--------------------------|---|---------------|---------------|---------------------------|---------|
| | | | 2019-20 | 2020-21- | | |
| 1 | Police Department | Road Accidents-involving mining related Trucks/Tractors/ Tippers | 2 | 1 | - | - |
| | | Road Accidents casualties- mining related Trucks/ Tractors/ Tippers | 3 person died | 1 person died | - | |
| | | Total number of accidents (all reasons) | 257 | 172 | | |
| | | Total number of accident casualties (all reasons) | 123 | 76 | | |

Table 6: Road accident details related to mining trucks etc.

In total 3 accidents involving mining related trucks/ Tractors/ Tippers happened over two years (2019-20 & 2020-21) in which 4 persons died. For the period from 2019-21, 429 total number of accidents happened in district Una, which led to the 199 accident casualties. Out of total accidents and casualties happened in district Una due to road accidents (2019-20 & 2020-21), the mining related accidents comprise only 0.6 % and casualties comprise 2%. Thus the mining related trucks/ tippers/ tractors are not the major cause for road accidents and related deaths in district Una.

4.5. Mining causing damage to Public infrastructure likes bridges, roads etc.:

| Sr. No. | Departme nt/ Officials | Details | No. of cases | | Approx damage | Remarks |
|---------|------------------------------|---|--------------|---------|------------------|---|
| | | | 2019-20 | 2020-21 | | |
| 1. | HPPWD | Damage to Public Road infrastructure due to mining | - | - | - | - |
| | | Damage to Public Road infrastructure due to overloaded vehicles | - | - | 18,00,000 | Slippage and crocodile cracking in Una Ajauli road (Km. 8/00 to 13/00). |
| | | | - | - | 5,00,000 | Pot Holes and crocodile cracking in Bharolian Kalan Badehar Charatgarh road Km 0/00 to 4/200 |

Table 7: Report of HPPWD related to any damage to public infrastructure due to mining in Swan river.

As per the report received from HPPWD, no damage to any public infrastructure (Road, Bridges etc.) was reported due to mining in the area till now except the damage to 2 roads mainly due to overloading.

4.6. Impact of mining on water quality, water table and pollution (Air & Water) level:

As per the report received from Environmental Engineer H.P. State Pollution Control Board and S.E (I& PH) at present, no adverse impact on air quality, water quality and water level due to mining were found. The data related to water (MPN/100 ml) and air quality (RPSM- monthly average) remained within the prescribed

limits. Further the mining officer, Una was directed by Chairman of District Environment Plan committee, Una during the 1st meeting (held on 24/07/2020) to ensure that no vehicle carrying minor minerals should ply on road without proper covering.

| S.No | Department/ Officials | Details | No. of cases | | Remarks |
|------|--------------------------|--|--------------|---------|---|
| | | | 2019-20 | 2020-21 | |
| 1. | I&PH Department | Any adverse impact on water quality/ water table due to mining | - | - | No adverse impact on water quality/water table has been noticed during 2019-20 & 2020-21, however excessive instream sand and gravel mining may cause the degradation of the river. Impacts include bed degradation, bed coarsening, lowered water table near the stream bed and channel instability. Short term turbidity at the mining site due to re-suspension of sediments, sedimentation due to stock piling and dumping of excess mining materials |
| 2. | HP-PCB Department | Data related to any damage to river Swan from Mining | - | - | <ul style="list-style-type: none"> The results of Ambient air quality of Una & Ind. Area Mehatpur (2019-20 & 2020-21) are within prescribed limits. Similarly the results of water samples of Swan River (2019-20 & 2020-21) for water quality were found to be satisfactory. |
| | | Pollution increase data due to mining | - | - | |

Table 5: Report from I&PH department & Pollution Control Department for water quality/ water table, pollution impacts of Swan river mining

5. Challenges:

5.1 Una district has in total 1 National Highway, 3 State Highway, 2 Major District Roads and 2 other interstate exit routes out of the state to Punjab. Besides this plain topography of the area makes ingress & exit through Swan river possible from any point. Therefore, plain topography complemented with a porous, multi exit border enables surreptitious transport of minerals through the escape routes.

5.2 The shifting nature of river, especially during rainy season gives an excuse to lease holders that the demarcation pillars have been washed away. In absence of properly demarcated and visibly identifiable lease area, it's difficult to differentiate between legal and illegal mining if any.

5.3 Majority of the area falling under Swan river belongs to private ownership where agriculture is being done by majority of landowners. Overall ambiguity of land boundaries and the availability of private agricultural land in the Swan river bed further complicates the problem.

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6. Recommendation:

- 6.1. At the mining plan approval stage itself, Geo fencing of the leased area is to be done using ETS-GPS method so as to remove any ambiguity related to lease area and its boundaries. Along with this high accuracy GPS location trackers, are to be given to mining/ police teams to act against mining lease holders if found mining illegally.
- 6.2. A compulsory GPS installation in all the JCBs and earth moving equipment's along with suitable alert mechanism (whenever it breaches the No-Go areas) can be developed to prevent mechanical unscientific mining in Swan river.



Dr. Amit Kumar Sharma(IAS)
Additional Deputy Commissioner
District, Una, Himachal Pradesh

Minutes of the meeting held on 20.04.2021 at 3:00 PM in the Committee Room, Armsdale Building (6th Floor) H.P. Secretariat, Chotta Shimla under the Chairmanship of Sh. Kamlesh Kumar Pant, IAS, Principal Secretary (Env. Sci. & Tech.) to the GoHP to review the compliance in O.A. No. 57 of 2021 titled Amandeep vs State of Himachal Pradesh regarding illegal mining being carried at Som Bhadra River (Swan River) in District Una, Himachal Pradesh.

A meeting was held on 20.04.2021 at 3:00 PM in the Committee Room, Armsdale Building (6th Floor) H.P. Secretariat, Chotta Shimla under the Chairmanship of Sh. Kamlesh Kumar Pant, IAS, Principal Secretary (Env. Sci. & Tech.) to the GoHP to review the compliance in O.A. No. 57 of 2021 titled Amandeep vs State of Himachal Pradesh regarding illegal mining being carried at Som Bhadra River (Swan River) in district Una, Himachal Pradesh. The List of Officials who attended the meeting in person and via video conferencing is enclosed as **Annexure-I**.

At the outset, Member Secretary, HPSPCB welcomed the Principal Secretary (Env. Sci. & Tech.) to the GoHP and other officers/officials. Thereafter, the house was apprised with brief introduction on the chronological events in the matter as follows:

- The matter is in reference to order dated 2/03/2021 passed by Hon'ble NGT in O.A. No. 57/2021 in the matter of Amandeep vs State of Himachal Pradesh and letter no. CEC/2021/1677, dated 14/3/2021 received from Office of Monitoring committee (constituted by Hon'ble NGT).
- The matter being dealt in this order is a **grievance against illegal mining being carried at Som Bhadra River (Swan River) in district Una of Himachal Pradesh.**
- Issues raised by the Applicant before Hon'ble NGT are as follows:-
 - 'Sand Mafia' having political shelter under the garb of a mining license, are lifting the sands and other material from the bed of this Swan River in an unscientific manner by using big Pokland and JCB machines, causing constant danger to the river and to the channelization of this river.
 - The Trucks-Tippers are being over loaded which are causing damage to the roads, causing pollution in the area and inconvenience to the public at large on the roads and accidents are taking untimely lives of the people at large.
 - Not only loss, damage and destruction to the channelization work of the Swan river, it may also cause damage to the bridges, leading to loss of public funds already spent for this purpose, besides loss to the water level.
 - It may cause pollution in the area and threat to peaceful atmosphere of green State of Himachal Pradesh, apart from damage to the roads.
- Hon'ble NGT vide order dated 2.03.2021 constituted an Independent five-member Committee headed by Justice Jasbir Singh, former Judge of Punjab and Haryana High Court, and comprising Regional Officers of the CPCB, the Ministry of Environment Forest and

Climate Change (MoEF&CC), the Central Soil and Water Conservation Research Institute, Dehradun and the Himalayan Forest Research Institute, Shimla with the Regional Officer, MoEF&CC, Chandigarh being nodal agency.

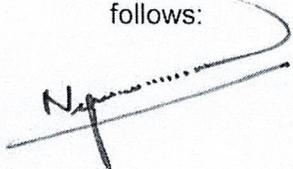
- Further, Hon'ble NGT directed the Secretary, Environment, HP, the State PCB and the District Magistrate, Una may verify facts and take further steps.
- In compliance with the aforementioned order and to verify the facts and take further steps in the matter in terms of order dated 26/02/2021 in O.A No. 360/2015, Deputy Commissioner, Una constituted a committee on 20/03/2021 comprising of Additional Deputy Commissioner (ADC) Una (Chairman), Superintendent of Police (SP) Una (Member), Superintending Engineer(SE) IPH Circle Una (Member), Superintending Engineer, Swan River Una (Member), Superintending Engineer (SE) HPPWD, Una (Member), All the Sub Divisional Officers (Civil) of Una district (Member), Environmental Engineer, H.P. Pollution Control Board, Una (Member), Regional Transport Officer Una (Member), Assistant Engineer, Soil & Conservation, Una (Member) and Mining Officer, Una (Member Secretary).
- The above mentioned committee conducted random surprise spot visits in major Swan River Mining Areas (28/3/2021 and 01/4/2021), held meeting on 31/03/2021 and further submitted its report.
- Thereafter, a brief of the report was apprised to the house:-
 - Presently, 92 mining leases have been granted in the District Una, out of which 58 mining leases have been granted in Swan River. From total 58 mineral concessions in Swan river, 33 mining leases have been granted on private land and 4 mining leases have been granted by way of auction on Govt. Land for open sale. The remaining 21 Nos in Swan river have been granted to feed to existing stone crushers.
 - The data provided by the various Departments of Una District indicate that mechanical mining is going on and 77 cases of violations have been observed by the Department of Police & Mining.
 - Random Google Earth Image taken from Nangran area in Swan river bed indicate the working of 6 JCBs/earth moving machines at the site, whereas, during the spot visit no JCBs were found present at the site but large scale mining was found in the area. The mining with depth more than 1 m has been conducted.
 - Similarly another Google earth image indicate the use of 1 JCB and 5-6 tractors at the mining site and during the random spot inspection, 2 JCBs were found illegally plying in the area.
 - Unscientific & illegal mining is undergoing in the river bed at the large scale.
 - Depth of mining has been found more than 1 m which is in violation of the Rule 34 (iv) of the Minor Mineral (Concession) & Mineral (Prevention of Illegal Mining, Transportation and Storage) Rules, 2015.
 - No boundary mark/pillar for the demarcation of the mining area have been found provided at the mining lease site and shifting of course of river during rainy season gives

an excuse to the Mining Lease Holders that the demarcation pillars have been washed away.

- While granting clearance for sand mining, Mining Plans are got approved by the Mining Lease Holders but the conditions are violated and mining of sand/gravels/stones is carried out without fulfilling the norms.
 - No instance of channelization/infrastructure being damaged due to mining has been observed as reported by Superintending Engineer, Swan River Flood Management Circle.
 - The recommendations made in the District Survey Plan are violated by way of not maintaining the distance of 75 m of the river mining from the periphery soil conservation works/nursery plantation .
 - Overloaded trucks have been found plying on the roads which damaged the low quality roads. In order to check overloading and illegal transportation of the minerals from District Una, 5 Nos Mining Check Posts alongwith weigh bridges have been set up. Mining lease holders/transporters modify/extend the bodies of the trucks to increase their capacity to carry overloaded material in violation of the Motor Vehicle Act.
 - No adverse impact on air quality/water quality/water level due to mining has been observed as reported by HPSPCB.
 - **Challenges mentioned by District Committee:** There is network of roads like National Highway, State Highway, Major roads & Interstate exit routes which give them laxity for transporting the minerals in an illegal manner through escape routes. In rainy season, the course of river is shifted, which give chance to the Mining Lease holder to make excuse for washing away of demarcation pillar/other such structures.
 - **Recommendation by District Committee:** While approving mining plan of the mining area, Geo-fencing of the area to be leased out should be made so as to remove any ambiguity relating to lease area and boundaries. High frequency GPS enabled trackers may be provided to the Mining/Police Officers to take prompt action against illegal mining activity. JCBs/earth moving equipment's may be provided with high frequency GPS with suitable alert mechanism to prevent unscientific/mechanical mining.
- Consequently, it was apprised that 1st meeting of Independent five Members Committee constituted by the Hon'ble National Green Tribunal was held on 09.04.2021 at 11:00 AM through Video Conferencing and certain directions were issued on which action has been taken.
 - Thereafter, the house was briefed about the following directions issued by Hon'ble NGT in order dated 26.02.2021 in O.A. No. 360/2015:
 - All the States/UTs to strictly follow the 'Sustainable Sand Mining and Management Guidelines, 2016' (SSMG2016) and "Enforcement and Monitoring Guidelines for Sand Mining, 2020" (EMGSM-2020) reinforced by mechanism for preparation of District Survey Reports (in terms of directions of this Tribunal dated 14.10.2020 in Pawan Kumar, supra and 04.11.2020 in Rupesh Pethe, supra).

- Environment Management Plans, replenishment studies, mine closure plans, grant of EC (in terms of direction dated 13.09.2018 in Satendra Pandey, supra), assessment and recovery of compensation.
- Seizure and release of vehicles involved in illegal mining (in terms of order dated 19.02.2020 in Mushtakeem, supra), other safeguards against violations, grievance redressal, accountability of the designated officers and periodical review at higher levels. As already noted, EMGSM-2020 contemplates extensive use of digital technology, including remote sensing.
- Effective monitoring mechanism for preventive and remedial measures as directed in orders of this Tribunal, including surveillance system and recovery of compensation.
- State Government shall constitute a District Level Task Force (DLTF) under the Chairmanship of Deputy Commissioner/District Magistrate/Collector with Superintendents of Police and other related senior functionaries (District Forest Officer, District Transport Officer, Regional Officer- SPCBs, Senior Officer of Irrigation Department, District Mining Officer) with one/two independent member nominated by the Commissioner concerned. The independent member shall be retired government officials/teacher or ex-serviceman or ex-judiciary member.
- All the States/UTs to publish their annual reports on the subject and such annual reports may be furnished to MoEF&CC by 30th April every year giving status till 31st March.
- First such report as on 31.03.2022 may be filed with the MoEF&CC by all the States/UTs on or before 30.04.2022. The report may also be simultaneously posted on the website of the Environment Department of the States/UTs.
- A five-member inspection committee, headed and coordinated by the SEIAA and comprising CPCB (wherever it has regional office), State PCB and two expert members of SEAC dealing with the subject. Where CPCB regional office is not available, if MoEF&CC regional office is available, its Regional Officer will be included in the Committee. Where neither CPCB nor MoEF&CC regional office exists, Chairman, SEIAA will tie up with the nearest institution of repute such as IIT to nominate an expert for being included in the Committee.
- Inspections by the committee must be conducted at least thrice for each lease i.e. after expiry of 25% the lease period, then after 50% of the period and finally six months before expiry of the lease period for midway correction and assessment of damage, if any. The reports of such inspections be acted upon and placed on website of the SEIAA.
- The mechanism must provide for review at the level of the Chief Secretary at least once in every quarter, in a meeting with all concerned Departments in the State. The Chief Secretary UP may ensure further action in the light of the report of the Oversight Committee.

Thereafter, detailed discussions were held among the participants which is summarised as follows:



- The State Geologist apprised that a committee under the Chairmanship of Deputy Commissioner is already constituted which reviews the mining activities in the district on quarterly basis and in terms of the Order of Hon'ble NGT in 360/2015, the same/similar committee may be given the mandate of District Level task Force.
- Deputy Commissioner, Una submitted that regular monitoring and action against defaulters by issuing challans, suspension of leases etc. is regularly being conducted by the concerned departments in the district, however since Swan River runs about 63 kms in district and being a plain terrain allows vehicles multiple escape routes which are difficult to monitor. Nevertheless, if State adopt/ notifies the amount to be recovered during release of seized vehicles caught for illegal mining, as mentioned in Hon'ble NGT order dated 26.02.2021 in O.A. No. 360 of 2015, it may discourage owner of the vehicles indulging in illegal mining activities. The State Geologist informed that the amendment in the rules has been adopted by the State.
- DC, Una submitted that w.r.t. the demarcation of the lease land, Geo-Fencing may be adopted.
- Superintendent of Police, Una submitted that Police Department is regularly conducting action against defaulters. 5 mining checkpoints have been established in the district. The Dpeartemt also plans to institute drone surveillance. However, other departments have been entrusted/ authorized with power to seize any mineral raised or transported or caused to be raised or transported by any person without any lawful authority, any mineral from any land and for that purpose uses any tool, equipment, vehicle or any other thing for this purpose,needs to increase the vigilance too.
- State Geologist apprised that for effective monitoring, department needs to scale up the manpower and the matter has already been taken up with the GoHP.
- The DC and SP Una raised the issue of the paucity of funds for such activities like installation of height barriers etc. It was apprised by the State Geologist that each district have District Mineral Foundation Trust (DMFT) headed by Deputy Commissioner in order to work for the interest and benefit of persons and areas affected by mining related operations and funds may be mobilized to fulfil the fund requirement for strict vigilance against illegal mining in Swan River after due approval from the competent authority.
- Regarding the geo fencing, the State Geologist apprised that the Department will soon shift to the geo-fencing of the leases across the State. The representative of SEIAA informed that the Authority generates *kml* files of the leases recommended which is basically layering of the coordinates on electronic maps.

Thereafter, the following decesions were taken after deatiled deliberations:

1. In compliance to Hon'ble NGT directions in order dated 26.02.2021 in O.A. No. 360/2015, District Level Task Force (DLTF) under the Chairmanship of Deputy Commissioner/District Magistrate/Collector with Superintendents of Police and other related senior functionaries (District Forest Officer, District transport officer, Regional

officer- SPCBs, Senior Officer of Irrigation Department, District Mining Officer) with one/two independent member nominated by the Commissioner concerned may be constituted or the committee already constituted under Chairmanship of Deputy Commissioner shall be assigned the ToR of DLTF in addition to existing ones.

2. SEIAA will share the KML files with State geologist and Deputy Commissioner Una of all the leases in Swan River for enhanced surveillance through geo-fencing of mining lease area.
3. The State Geologist shall submit a action plan to shift to the geo-fencing of the leases across the State along with clear cut timelines.
4. State Geologist to share notification w.r.t. the revision of fine/ challan amount with all the Stakeholders.
5. The District Administration may enhance surveillance to ensure illegal mining activities in Som bhadra River are minimized.
6. Deputy Commissioner, Una and SP, Una to send a proposal including the funds required to enhance the vigilance against illegal mining. Deputy Commissioner, Una may take up the matter with GoHP for the usage of DMFT funds to strengthen vigilance of illegal mining activities in the area.
7. The State Geologist shall award mining leases as per the DSR plan only and the directions given by the Hpn'ble NGT may also be incorporated as conditions in various mining leases granted by the Department.
8. All the concerned departments to prepare action plan (short term and long term) with specific timelines in light of the directions passed by Hon'ble NGT in order O.A. No. 57 of 2021, O.A. no 360 of 2015 and directions of Independent Five Member Committee. The action plan by Director, Science, Technology and Environment, Deputy Commissioner, Una and State Geologist to be sent within three days.
9. All concerned departments to submit the action taken report along with action plan to HPSPCB within 3 days positively as the case is listed for further consideration before Hon'ble NGT on 10.05.2021.
10. All concerned departments to ensure strict enforcement of laws and take vigorous action against the defaulters as per the provisions under law.

The meeting ended with a vote of thanks to and from the Chair.

Approved

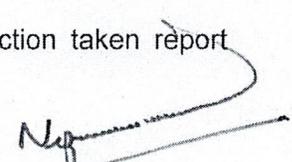
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(Kamlesh Kumar Pant, IAS)
Pr. Secretary (Env. Sci. & Tech) to the
Government of Himachal Pradesh

No. HPSPCB/NGT/O.A. No. 57 of 2021/ Illegal Mining in SomBhadra River/2021- Dated: 27/4/2021

Copy forwarded to the following for information as per Hon'ble NGT Order:

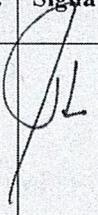
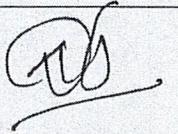
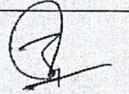
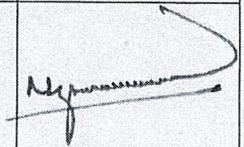
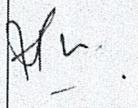
1. Justice Jusbir Singh, Rtd. Justice, Punjab and Haryana High Court, Chairman, Monitoring Committee, OA No. 57/2021.
2. Sh. Babu Ram, Technical Expert Monitoring Committee, OA No. 57/2021.
3. The Additional Chief Secretary (Industries) to the GoHP, HP Secretariat, Shimla.
4. The Additional Chief Secretary (Forest) to the GoHP, HP Secretariat, Shimla.
5. The Pr. Chief Conservator of Forests, Himachal Pradesh, Shimla.
6. Director, Department of Environment, Science and Technology, Shimla with request to send action taken report within two days.
7. Deputy Commissioner, Una (H.P) with request to send action taken report within two days.
8. The Inspector General of Police (TTR), Department of Police, HP, Shimla
9. The Director, Industries, HP Shimla.
10. Supritendent of Police, District – Una (H.P).
11. State Geologist, Mining Department, Shimla with request to send action taken report within two days.
12. Regional Officer, HP State Pollution Control Board, Una.


(Dr. Nipun Jindal)
Member Secretary
HP State Pollution Control Board

ATTENDANCE SHEET

हिमाचल प्रदेश सरकार

Meeting held under Chairmanship of Pr. Sec (Env., Sci. & Tech.) to GoHP on 20-04-2021 at 3:00 AM at Committee Room (6th Floor), Armsdale Building, H.P. Secretariat Chotta Shimla to review the progress on the directions given by the Hon'ble NGT in O.A. No. 57 of 201 in matter of Amandeep vs State of H.P regarding illegal mining at Som Bhadra River (Swan River) in District Una of H.P.

| S. No | Name, Designation & Department | Mobile No./Whats-App no. | Signature |
|-------|---|--------------------------|---|
| 1. | Puneet Kataria. State Geologist. | 94181-23329 |  |
| 2. | RAMAN SHARMA JCF(HA) of Pr. CCFHP | 94181-70664 |  |
| 3. | JaiShri Sharma Suptt (CEA) of Pr. CCFHP | 9459277740 |  |
| 4. | Dr. Nipun Jindal, Member Secretary, HSPCB | 9780042438 |  |
| 5. | Dr. Surish C. Khanna Pr. Sec. (Env.), Dept. | 9418700062 |  |
| 6. | Charndan Singh, AE, HPPCB, | 94180-18223 |  |
| 7. | Raghar Sharma DC, Una | | |
| 8. | Amit Kumar Jain SP Una | | |
| 9. | Amit kr. Sharma ADC Una | | |
| 10. | Harvinder Singh | Through virtual mode | |

हिमाचल प्रदेश सरकार

| S. No | Name, Designation & Department | Mobile No./Whats-App no. | Signature |
|-------|---|-------------------------------|---|
| 11. | Singh Hareesh Shimas A.EE, IPH Una | Virtual mode ↓ | |
| 12. | Praveen Kumar Shima AEE, PCB Una | | |
| 13. | Amit Moudgil Soil Conservator Una | | |
| 14. | Dr Shalwan Mehta SEE UPS PCB SHIMLA | 9418464508 |  |
| 15. | | | |
| 16. | | | |
| 17. | | | |
| 18. | | | |
| 19. | | | |
| 20. | | | |