

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

Original Application No. 57 of 2020

Bachitter Singh

Applicant(s)

Versus

State of Punjab & Ors.

Respondent(s)

**Report of Joint Committee in compliance of order
dated 3.3.2020 of the Hon'ble Tribunal.**

Respectfully showeth,

Background

- 1). Briefly submitted, in compliance to the order dated 03-03-2020 of the Hon'ble Tribunal passed in the above mentioned case, a joint committee of Punjab State PCB and SEIAA Punjab has been constituted to look into the matter of rampant violation of environmental norms in the operation of stone crushers in District Roopnagar with a direction to furnish report to the Hon'ble Tribunal.

The Operative part of the order dated 3.3.2020 is reproduced as under for perusal and reference.

"5. However, in view of rampant violation of environmental norms in operating stone crushers generally, by way of precaution and without expressing any opinion of merits at this stage, we find it necessary to form a joint committee of Punjab State PCB and SEIAA Punjab to look into the matter and furnish a report to this Tribunal.



Obtaining of Data

2). As the main issue in the petition pertains to the allegation of illegal mining and illegal operation of stone crushers, therefore, the committee devised proforma to seek information from the stakeholder departments i.e. Department of Mines and Geology. Accordingly, the information was sought from the office of Executive Engineer, Mining, Roopnagar and Mining Officer Roopnagar regarding the subject matter of the case. The information sought from the concerned authorities was as under :

(i) **Executive Engineer Mining Roopnagar :**

The information regarding issuance of Environment Clearance (EC) for gravel / sand extraction by the various authority valid during the year 2019 & 2020 in District Roopnagar was sought to assess the source of raw material i.e. sand/gravel for stone crushers.

(ii) **Mining Officer, Roopnagar :**

- The information regarding components of Returns to be submitted by the owner of the stone crusher every month as per Punjab Government Policy Guidelines/notification for the Registration and Working of Stone Crushers in the State of Punjab.
- Material procured and imported by individual Stone Crushers and State from which raw material was imported in case of the imported material.
- The power consumption viz.a.viz. production carried out by the individual stone crushers as per the notification issued by the Department of Mines and Geology, Govt. of Punjab dated 19th March, 2015
(Annexure - A).

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- 3). The main objective of collecting the above information was to assess the unaccounted raw material i.e. Gravel / sand lying with or processed by the stone crushers as the same can be directly linked to illegal mining. For the purpose of assessing the quantum of raw material, the compatibility formula of 7KW of power consumed for one metric tonne of production has been adopted as mentioned in the Policy Guidelines notified for Stone Crushers by the Department of Industries and Commerce, Punjab.

Observations:

- 4). The Committee perused and analysed the information/data received from Mining Officer, Roopnagar and Executive Engineer (Mining) Roopnagar, Department of Mines and Geology District Roopnagar and observed as under :
- (i) Total 154 stone Crushers are registered with the department, 14 stone crushers are shown closed and remaining 140 are operational. The record of 51 stone crushers shows that the production / processing by these stone crushers is matching with the total electricity consumed indicating no illegality in reference to the procurement of raw material.
 - (ii) In the case of remaining stone crushers ($140-51 = 89$), there is a gap in the material shown as processed in their returns in comparison to the actually processed as per the power consumption.
 - (iii) 70 stone crushers have failed to submit complete data in reference to material procured / processed and power consumed.
 - (iv) All stone crushers have procured approx. 22 lacs tonnes in the year 2019 & 2020. As per information submitted by Executive Engineer, 56,108 tonne of sand/ gravel has been extracted from the District

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Roopnagar during the year 2019 & 2020. There is huge gap between raw material procured by the stone crushers in the District Roopnagar and raw material extracted from District Roopnagar in respect of sand and gravel. In such situation, two possibilities are there :

- (a) The stone crushers in the District Roopnagar might have procured the raw material from the neighbouring District within the State or the neighbouring States.
 - (b) The gap in the figures of mined material during the year 2019 upto February, 2020 and the total material procured / processed by the stone crushers can be attributed to the opening stock maintained by the individual stone crushers, which might have been procured in the preceding years. However, the possibility of procurement of material in an unaccounted manner by the stone crushers cannot be ruled out in view of the illegal mining happened in the District in the immediate past (previous 2-3 years).
5. That as per information received from Mining Officer, recovery notices were issued to various stone crushers from January, 2019 to March, 2019 and a sum of Rs.13,01,579/- has been recovered from 72 stone crushers. Notices have also been issued by the concerned authorities to various stone crushers for filling their Returns from time to time.
- 6). The issue of illegal mining in the District Roopnagar has also been deliberated in the matter of OA no. 767 of 2018 titled as Dinesh Kumar Chadha versus State of Punjab wherein the Hon'ble Tribunal has passed the final orders dated 10.7.2020. Environmental compensation has been worked out by the Committee constituted by this Hon'ble Tribunal in this case. Hence, the issue of illegal mining in District



Roopnagar has already been considered and disposed of separately by the Hon'ble Tribunal.

- 7). With regard to the requirement of obtaining Environmental Clearance (EC) by stone crushers, it is stated that stone crushers are not covered under the ambit of EIA notification dated 14-09-2006 and thus not required to obtain Environment Clearance (EC).

- 8) However, it is mandatory on the part of the owners of the stone crushers to obtain Consent to Establish (CTE) / Operate (CTO) under the provisions of the Water (Prevention and Control of Pollution) Act 1974 and Air (Prevention and control of Pollution) Act 1981 and also as per policy guidelines from State Pollution Control Board (PCB). Policy guidelines for the registration and working of the stone crushers in the State of Punjab have been notified vide no. GL6/PB/G-1/1533-3213B dated 19.3.2015 by the Department of Industry and Commerce. As per the Policy Guidelines the owner of the stone crushers after getting consent to operate (CTO) shall submit the application for registration of stone crusher to the Mining Officer of the Department. Thereafter, each stone crusher gets itself registered with the Department of Mines and Geology (Office of Mining Officer, Roopnagar) after obtaining consent to operate from the Punjab Pollution Control Board (PPCB) under the provisions of Water (Prevention & Control of Pollution) Act, 1974 and Air (Prevention & Control of Pollution) Act, 1974. Therefore, the consent to operate of the Punjab Pollution Control Board and registration of the Mining Department are inter-related activities. All the stone crushers registered with Mining Department have obtained consent to operate of the Punjab Pollution Control Board. The inspection of the stone crushers is regularly carried out by PPCB from time to time and in the year 2019-20, 29



number of stone crushers were issued show cause notice for violation of the provisions of Environmental Laws and compliance of the Law and Rules as applicable had been ensured.

Prayer

It is humbly prayed that the report of the Joint Committee may kindly be taken on record for passing of appropriate orders.

Place: PATIALA
Date: 31.07.2020
(Ashok Sharma)
Environmental Engineer
on behalf of PPCB


(Deepak Sethi)
Member SEAC
On behalf of SEIAA Punjab



Punjab Government Gazette

EXTRAORDINARY

Published by Authority

CHANDIGARH, THURSDAY, MARCH 19, 2015 (PHALGUNA 28, 1936 SAKA)

DEPARTMENT OF HOME AFFAIRS & JUSTICE
(HOME-IV BRANCH)

NOTIFICATION

The 19th March, 2015

No. 4/10/2012/4H4/443371/1.- The Governor of Punjab is pleased to declare the Additional Director General of Police/Deputy Inspector General of Police/Commissioner of Police under whose jurisdiction the constituency falls and all Police officers below them in the District/Constituency concerned as designated officers for the purpose of Section 28A of the Representation of People Act, 1951 during the bye-election of 107-Dhuri Assembly Constituency.

JAGPAL SINGH SANDHU

Additional Chief Secretary to Govt. of Punjab
Department of Home Affairs & Justice.

Chandigarh

19th March, 2015

(DIRECTORATE OF MINING)

DEPARTMENT OF INDUSTRY & COMMERCE

NOTIFICATION

The 19th March, 2015

Policy Guidelines for the Registration and Working of Stone Crushers in the State of Punjab.

No. GLG/PB/G-1/1533-3213B.- To make the arrangement of stone crushers in the State of Punjab according to the Punjab Minor Mineral Rules, 2013 which have been made under Section 15 and Section 23-C of the Mines and Minerals (Development and Regulation) Act 1957, the following policy guidelines have been made by State Government to register them accordingly:-

1. Registration of the stone crusher:-

No stone crusher will work in the State without being registered with the Department of Industry and Commerce. Under this policy the phrase "stone crusher" shall include screening-cum-washing plants.

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Conditions to register the stone crusher:-**I. Consent to establish:-**

The owner of the stone crusher (for new stone crusher) will get the consent to establish (No Objection Certificate) from the Punjab Pollution Control Board, so that the conditions of the notification dated 17.03.1998 issued by the State Government can be implemented at the stone crusher site. *required*

II. Consent to operate:-

The owner of the stone crusher after establishing the stone crusher according to the conditions of the no objection certificate will get the consent to operate from the Punjab Pollution Control Board under the Air (Prevention and Control of Pollution) Act, 1981 and the Water (Prevention and Control of Pollution) Act, 1974.

III. Application regarding registration:-

The owner of the stone crusher after getting consent to operate shall submit application for registration of the stone crusher to the Mining Officer of the Department on prescribed Performa 'B' along with a fee of Rs. 10,000/-.

III(a) Documents / Information required along with application form:

It should disclose its source of raw material i.e. name of quarry village, Tehsil, district and State, details of environmental clearance along with its validity. *MO*

IV. Certificate of Registration and validity:-

The Mining officer will issue the Certificate of Registration to the stone crusher in the Form-A enclosed with, whose validity will be for one year.

Electricity Connection to the Stone Crusher:-

Punjab State Power Corporation Limited will give the electricity connection to the crusher owner only after the issuance of registration certificate from the Mining Officer.

Filling of the Returns by the Stone Crusher:-

- I. Stock Register giving description and date wise details of raw material imported, processed, dispatched and balance stock shall be maintained by each stone crusher.
- II. Mineral Transit Pass/Weighment Slip issued by the competent authority of the State from where the raw material is imported. (Copies to be submitted with the monthly production returns).
- III. Copy of electricity bill shall be submitted along with monthly return. The production declared by the stone crusher shall be compared with the consumption of electricity by assuming 7KW equal to 1 metric tonne of production.
- IV. In case the generator set is used for production, then same shall be metered and detail of power consumed certified by PSPCL shall be submitted. — *PSPCL*
- V. Details of entry tax paid for material purchased from other States.)

Filling of returns by the Stone Crusher

- (1) The owner of the stone crusher shall submit return by 7th of every month concerning the material crushed and usage of electricity in the prescribed form-'C'

- (2) The owner of crusher shall give access to the inspecting staff and shall get verified the record concerning the operation of crusher as well as legal source of minor mineral and its stock.
 - (3) The owner of the stone crusher against whom Government dues are pending or had violated any condition shall not be entitle to be registered with the Department under this Policy.
 - (4) VAT Assessment return (if applicable) - quarterly.
6. The working of stoner crusher shall be looked into by the District Level Committee and District Level Environment Management Cell.

D P REDDY, IAS
Principal Secretary to Government of Punjab,
Department of Industries and Commerce.