

No. Acctts (LFA )O.A. No. 563/2023-52  
**OFFICE OF THE DEPUTY COMMISSIONER**  
**SOLAN, DISTRICT SOLAN, HIMACHAL PRADESH.**  
 ☎: 01792-220756, ✉: dc-sol-hp@nic.in

Dated: Solan-173212 the <sup>14th Feb.</sup>~~January~~, 2024.

To

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

**Subject: Action taken report relating to violation of environmental laws in O.A. No. 563/2023 titled as Re: "MLA apprised of losses due to illegal mining in Doon Assembly segment" appearing in Dainik Tribune dated 08.09.2023.**

Sir,

Kindly refer to the order dated 14.12.2023 passed by the Hon'ble National Green Tribunal, Principal Bench, New Delhi in the above titled O.A. No. 563/2023 titled as Re: "MLA apprised of losses due to illegal mining in Doon Assembly segment" appearing in Dainik Tribune dated 08.09.2023 vide which a Joint Committee has been consisting Three members have been constituted by the Hon'ble NGT and it has been directed to submit action taken report relating to alleged violation of Environmental laws. The committee has submitted its action taken report which is being submitted herewith for consideration of the Hon'ble NGT.

Yours faithfully

  
**Manmohan Sharma, IAS**  
**Deputy Commissioner**  
**Solan, District Solan, HP.**

**Endst. No. As above.**

**Dated: February, 2024.**

A copy is forwarded to the following for information:-

1. The Additional Secretary (Env. Sci. Tech. & CC) to the Government of Himachal Pradesh, Shimla-2.
2. The Member Secretary, Himachal Pradesh State Pollution Board, Phase-III, New Shimla-171009.

  
**Deputy Commissioner**  
**Solan, District Solan, HP.**

**Report of the Joint Committee in the matter of O.A. no. 563/2023; "MLA apprised of losses due to illegal mining in Doon assembly segment" appearing in Dainik Tribune Dated 08.09.2023, in compliance of the Hon'ble NGT order dated 14.12.2023.**

**1. Background:**

The matter in OA 563 of 2023 is related to an application registered in suo-moto exercise of power on the basis of the news item published in Dainik Tribune relating to illegal mining in Doon Assembly Segment. It is alleged that on account of illegal mining, road and infrastructure of electricity has been badly damaged at Handakundi Village in Suner Panchayat of the Doon Assembly Segment. The village is located along Sirsa River and has allegedly become hot bed for illegal mining affecting the villagers. Water pipes and electricity poles are also damaged and damage has been caused to the link roads. The said activity is in violation of the Doon Valley Notification issued on 01.02.1989 under Environment Protection Act, 1986 and the notification restricts location of industries, mining operations and other developmental activities in the Doon Valley. As per the said notification, approval of MoEF is required before starting of any mining activity.

The Hon'ble National Green Tribunal observed that *"The issues noted above involve substantial question relating to the environment and violation of environmental laws specially the Doon Valley Notification dated 01.02.1989."* Hon'ble National Green Tribunal Constituted a Joint Committee vide Order dated 25/09/2023 (**Annexure-1**) and subsequently, the Joint Committee was reconstituted vide Order dated 14/12/2023 (**Annexure-2**) with the following directions:

*" 3. In view of the above, information provided by the District Magistrate, Dehradun, the order dated 25.09.2023 is partially modified and the Joint Committee is reconstituted with Member Secretary, Himachal Pradesh; Secretary, Central Pollution Control Board and District Magistrate concerned with Doon Assembly Segment, Uttarakhand.*

*4. The District Magistrate, Solan will act as a nodal agency.*

*5. The Committee will visit the site and submit an action take report relating to violation of environmental laws as also the remedial measures."*

LD.

raj

Raj

## 2. Compliance of the Orders of Hon'ble National Green Tribunal:

### 2.1. Constitution of the Joint Committee and Site Visit:

In compliance to the orders of Hon'ble National Green Tribunal, a Joint Committee comprising of the following members was constituted:

1. Sh. Ajay Kumar Yadav, IAS, Additional Deputy Commissioner, Solan (Nominated by District Magistrate, Solan) **Annexure-3**
2. Dr. Narender Sharma, Scientist 'F', Central Pollution Control Board (CPCB) Regional Directorate, Chandigarh (Nominated by Member Secretary, Central Pollution Control Board) **Annexure-4**
3. Sh P. C. Gupta, Chief Environmental Engineer(CEE), Himachal State Pollution Control Board(Nominated by Member Secretary, Himachal State Pollution Control Board) **Annexure-5**

The District Magistrate, Solan (Nodal Agency) vide letter dated 18/01/2024 fixed the date of site visit as 30/01/2024 (**Annexure-6**) and accordingly, the site visit was conducted by the Joint Committee on 30/01/2024. Shri Divyanshu Singal, IAS, Sub Divisional Magistrate (SDM), Nalagarh; Shri Dinesh Kumar Sharma, District Mining Officer, Solan and other Officials of District Administration, Police, Mining Department and State Pollution Control Board (SPCB) also accompanied the Joint Committee during site visit.

**2.2. Finding of the Joint Committee:** The following are the key findings of the Joint Committee based on the site visit and interaction with concerned officers:

- i. *No river bed mining lease is sanctioned in this segment of the River (Length: 2 Km; Geo Coordinates: 30°59'21.89"N 76°43'40.1"E and 31°00'9.61"N 76°42'47.83"E) in the Handa Kundi area due to the presence of water supply schemes implemented by the Jal Shakti Vibhag of the Government of HP for irrigation purposes, within a 200-meter range, both downstream and upstream. As per River/Stream Bed Mining Policy Guidelines for the State of Himachal Pradesh, "No River/Stream bed mining shall be allowed within 200 meters upstream and downstream of Water Supply Scheme or the distance as specified by the Sub- Divisional Committee whichever is more".*

*LD*

*Per J.*

*Ajay*

- ii. *During the Joint Committee's visit to the area, it was observed that manual sand screeners and classifiers had been installed at 13 locations to manually extract sand and boulders from the mined material (Photographs 1-5 of Annexure-7). Some sand screeners were also discreetly concealed in nearby bushes (Photographs 6-7 of Annexure-7). This strongly suggests and confirms the ongoing occurrence of illegal river mining in the area.*
- iii. *Additionally, according to information provided by the Mining Officer, the Mining Department detected 10 instances of illegal mining and transportation of illegally extracted minerals between January 2023 and December 2023, during night raids. The condition of the riverbed, affected by these illicit activities (Photographs 8-19 of the Annexure-7), as observed by the Joint Committee, further solidifies the evidence of regular illegal riverbed mining in this area.*
- iv. *The mined minerals (sand and boulders) were found to be stored in the nearby area (Photograph 20-21 of the Annexure-7). During the inspection conducted in the aforementioned area, 5000 cubic feet of minerals were confiscated, which will be subjected to auction as per the provisions specified in the Himachal Pradesh Minor Minerals (Concession) and Minerals (Prevention of Illegal Mining, Transportation, and Storage) Rules of 2015.*
- v. *Further, some of mineral (Sand and boulders) was also found to be stacked in the locked and fenced premises (Photograph-22 of Annexure-7). Mining department was requested to conduct inspection in this regard and ascertain the legality of the mineral material noted by the Joint Committee.*

## 2.2. Action Taken Report:

According to the information provided by the Mining Officer to the Joint Committee, the following are the actions taken regarding previous instances of reported illegal mining, as well as addressing the observations made by the Joint Committee.

### 2.2.1. Action taken on the past incidences of illegal mining:

- i. The Mining office has taken measures to block the illegal road used for illegal mineral extraction in the Handa-Kundi area.
- ii. Between January 2023 and December 2023, the Mining office, Solan identified 10 cases of illegal mining and transportation in Handa-Kundi village during raids. Four cases were addressed, resulting in fines totalling Rs 69,500/- (Sixty-Nine Thousand Five Hundred Rupees), while the remaining six cases are awaiting adjudication, as summarized in Table 1.

**Table 1 :** Cases of illegal mining detected in the village Handa-Kundi in 2023 by mining Department

S. No.	Date of Challan	Name of Offenders	Remarks
1.	24.01.2023	Shri Avtar S/o Shri Prakash Chand	Compounded for Rs. 25,000/-
2	06.02.2023	Shri Raj Kumar S/o Shri Jaithu Ram	Pending for adjudication
3.	13.02.2023	Shri Jagtar S/o Shri Dev Raj	Compounded for Rs. 7,500/-
4.	17.02.2023	Shri Geeta Ram S/o Shri Ram Asra	Compounded for Rs. 30,000/-
5.	17.02.2023	Shri Avtar S/o Shri Praksh Chand	Pending for adjudication
6.	07.07.2023	Shri Chaman Lal S/o Shri Sucha Ram	Pending for adjudication
7.	24.07.2023	Shri Avtar S/o Shri Ghunna Ram	Compounded for Rs. 7,000/-
8.	28.08.2023	Shri Labh Singh S/o Shri Lajja Ram	Pending for adjudication
9.	28.08.2023	Shri Jagtar S/o Shri Devraj	Pending for adjudication
10.	28.08.2023	Shri Mustak Mohammed S/o Shri Rakha Ram	Pending for adjudication

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*Handwritten signature*

- iii. During night raids, the Mining department uncovered 11 small-scale sand-screeners in Handa-Kundi village, which were utilized by individuals employing labourers from other states, without valid identity proofs. Assistance from the Baddi Police was sought to identify these individuals. In response, the unauthorized sand-screeners were immediately dismantled on-site, with the assistance of police officials, preventing mineral theft.
- iv. Furthermore, the Mining department auctioned 1000 M.T. of seized minor mineral (sand) in Handa-Kundi village on September 1, 2023, fetching the highest bid of Rs. 3,16,000/- (Three Lac Sixteen Thousand Rupees).
- v. The Police Department has identified 21 instances of illegal mining and transportation in the area and resolved them by imposing fines totaling Rs. 1,51,500/-, the details of which are attached as **Annexure-8**.

#### 2.2.2. Action taken with regard to the observations made by the Joint Committee:

The following actions have been taken in response to the observations and findings of the Joint Committee:

- i. *5000 cubic feet of minerals were confiscated, which will be subjected to auction as per the provisions specified in the Himachal Pradesh Minor Minerals (Concession) and Minerals (Prevention of Illegal Mining, Transportation, and Storage) Rules of 2015.*
- ii. *Seizure of 07 Nos. of manual sieve screeners and sieved mineral lying on the right bank of River Sirsa under Himachal Pradesh Minor Mineral Rules 2015.*
- iii. *Identified the owner of land, where mineral was found stacked and it was found that the sieved minor mineral stacked in two fenced plots belongs to Shri Mehar Chand S/o Shri Gurdas Ram, Village Manpura, Tehsil Baddi, District Solan. Total Mineral quantity stacked in the plots under reference was 2542 MT and no valid documents of the minor mineral stored have been provided. The further investigation and action to be taken are under progress, as informed by the Mining Officer. The report in this regard, as provided by the Mining Officer is attached as Annexure-9.*

LA

Ref.

(A) 2023

### 3. Conclusions and remedial measures:

*The area where illegal mining has been reported does not fall under Doon Valley Notification dated 01.02.1989.*

*Although the Mining Department, Solan has reported taking certain measures to curb illegal mining, as outlined in Section 2.2.1 of the aforementioned report, the Joint Committee observed during the site visit on 30/01/2024 that illegal mining is still occurring regularly. This suggests that the efforts made so far have proven ineffective in effectively controlling illegal mining.*

**In view of the above, the following remedial measures have been proposed by the Mining Department:**

- i. Making the Mining Check Post operational in the area.
- ii. Deploying a Mining Guard along with a Police Department representative for continuous 24/7 surveillance.
- iii. Installing CCTV cameras with connectivity to both the Police Department and the Mining Check Post.
- iv. Erecting fencing along the HPPWD Road for added security.

**In addition to the above proposed measures proposed by the Mining Department, Joint Committee also recommends the following:**

- i. The Mining department conducts an audit in the area to evaluate the extent of damage already caused by Minor Mineral extraction, both in terms of the mineral itself and its monetary value. Subsequent periodic assessments are carried out to identify any instances of illegal mining, enabling timely corrective measures.
- ii. To deter illegal mining activities, strict adherence to the guidelines for assessment and compensation recovery, as specified by the Government of Himachal Pradesh, Department of Environment, Science, and Technology vide Notification No. STE-E(5)-2/2021 dated 18/08/2022 (**Annexure-10**), is enforced.

LA

Ag.

Ag.

- iii. Surveillance of storage go-downs within a 1 km radius of the area is implemented to prevent illegal mining under the garb of storage
- iv. Effective coordination with all stakeholders is maintained to raise awareness and encourage public participation, facilitating the prompt identification of illegal mining activities in the area.

The above factual and action taken report (ATR) is being filed by Joint Committee, for the consideration of Hon'ble National Green Tribunal. The Joint Committee shall abide by further direction of Hon'ble National Green Tribunal in this matter.



P.C. Gupta,  
HPPCB, Baddi

File  
13/02/2024

Dr. Narender Sharma,  
CPCB, Chandigarh



Sh. Ajay Kumar Yadav (IAS)  
ADC, Solan

Item No. 06

Court No. 1

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

Original Application No. 563/2023

In re: News item titled **"MLA apprised of losses due to illegal mining in Doon Assembly segment"** appearing in Dainik Tribune dated **08.09.2023.**

Date of hearing: 25.09.2023

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON  
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER  
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER  
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

**ORDER**

1. This application is registered in suo-moto exercise of power on the basis of the news item published in Dainik Tribune relating to illegal mining in Doon Assembly Segment.

2. It is alleged that on account of illegal mining, road and infrastructure of electricity has been badly damaged at Handakundi Village in Suner Panchayat of the Doon Assembly Segment. The village is located along Sirsa River and has allegedly become hot bed for illegal mining affecting the villagers. Water pipes and electricity poles are also damaged and damage has been caused to the link roads. The said activity is in violation of the Doon Valley Notification issued on 01.02.1989 under Environment Protection Act, 1986 and the notification restricts location of industries, mining operations and other developmental activities in the Doon Valley. As per the said notification, approval of MoEF is required before starting of any mining activity.

3. The issues noted above involve substantial question relating to the environment and violation of environmental laws specially the Doon Valley Notification dated 01.02.1989.

4. The power of the Tribunal to register suo moto original application has been recognized in the matter of "*Municipal Corporation of Greater Mumbai vs. Ankita Sinha & Ors.*" reported in 2021 SCC Online SC 897.
5. Hence, at this stage, we deem it proper to constitute a joint committee comprising of the Member Secretary, Uttarakhand Pollution Control Board; Secretary, Central Pollution Control Board; and District Magistrate, Dehradun.
6. The District Magistrate, District Dehradun will act as a nodal agency.
7. The Committee will visit the site and submit an action take report relating to violation of environmental laws as also the remedial measures.
8. The Committee is directed to submit the action taken report within a period of 8 weeks by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.
9. A copy of this order be forwarded to the Members of the Committee by e-mail for compliance.
10. List the matter on 14.12.2023.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

September 25, 2023  
Original Application No. 563/2023  
JG

Item No.15

Court No. 2

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

Original Application No. 563/2023

In re: News item titled "**MLA apprised of losses due to illegal mining in Doon Assembly segment**" appearing in Dainik Tribune dated **08.09.2023**.

Date of hearing: 14.12.2023

**CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER  
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER  
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Respondent: Ms. Anjali Rajput, Adv. for the State of Uttarakhand

**ORDER**

1. This application was registered in Suo Moto exercise of power on the basis of the news item published in Dainik Tribune relating to illegal mining in Doon Assembly segment. The news item stated that the illegal mining is taking place in Handakudi Village in Sunner Panchayat of the Doon Assembly Segment along river Sirsa. Accordingly, a Joint Committee was constituted with District Magistrate, District Dehradun as nodal agency.
2. The matter came up for hearing today and the counsel for District Magistrate, Dehradun informed that the said mining area where illegal mining is taking place in Handakudi Village in Sunner Panchayat of the Doon Assembly Segment along river Sirsa falls in the State of Himachal Pradesh and not Uttarakhand. A communication in this regard from District Magistrate dated 21.10.2023 has been received and the same is taken on record.
3. In view of the above, information provided by the District Magistrate, Dehradun, the order dated 25.09.2023 is partially modified and the Joint Committee is reconstituted with Member Secretary, Himachal Pradesh;

Secretary, Central Pollution Control Board and District Magistrate concerned with Doon Assembly Segment, Uttarakhand.

4. The District Magistrate, Solan will act as a nodal agency.
5. The Committee will visit the site and submit an action take report relating to violation of environmental laws as also the remedial measures.
6. The Committee is directed to submit the action taken report within a period of 8 weeks by e-mail at [judicial-ngt@ecov.in](mailto:judicial-ngt@ecov.in) preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.
7. List the matter on 15.02.2024.
8. A copy of this order be forwarded to the Members of the Committee by e-mail for compliance.

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

Dr. Afroz Ahmad, EM

December 14, 2023  
Original Application No. 563/2023  
Hb

No. Acctts (LFA )O.A. No. 563/2023-

**OFFICE OF THE DEPUTY COMMISSIONER  
SOLAN, DISTRICT SOLAN, HIMACHAL PRADESH.**

☎: 01792-220756, ✉: dc-sol-hp@nic.in

Dated: Solan-173212 the 29<sup>th</sup> January, 2024.

**ORDER**

**WHEREAS**, the Hon'ble NGT, Delhi vide its order dated 14.12.2023 has constituted a Joint Committee wherein a District Magistrate, Solan is a nodal agency and the Secretary, Himachal Pradesh, State Pollution Board, Secretary, Central Pollution Control Board is a Member Secretary with regard to conduct a joint inspection of site where illegal mining is taking place in Handakudi Village in Sunner Panchayat of the Doon Assembly Segment along river Sirsa.

**THEREFORE**, the Additional Deputy Commissioner, Solan is hereby authorized to conduct a joint inspection of the site as mentioned above along with other members of committee and submit action taken report relating to violation of environmental laws as also the remedial measures so that joint inspection report could be sent to the Hon'ble NGT well in time.

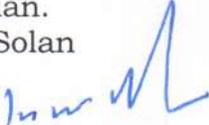
  
**Manmohan Sharma, IAS  
Deputy Commissioner  
Solan, District Solan.**

**Endst. No. As above.**

**Dated: 29<sup>th</sup> January, 2024.**

Copy is forwarded to the following for information and necessary action.-

1. The Secretary, Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Delhi.
2. The Secretary, Himachal Pradesh State Pollution Control Board, Phase-III, New Shimla.
3. The Additional Deputy Commissioner, Solan, District Solan.
4. The District Manning Officer Solan, District Solan.
5. The Regional Officer, HPSPCB, Baddi, District Solan

  
**Deputy Commissioner  
Solan, District Solan.**

Nomination of CPCB in the NGT Matter of OA No. 563 of 2023

Wed, Dec 27, 2023 02:31 PM

1 attachment

**From :** R Chandigarh, CPCB <rdchandigarh.cpcb@gov.in>  
**Subject :** Nomination of CPCB in the NGT Matter of OA No. 563 of 2023  
**To :** DC Solan <dc-sol-hp@nic.in>  
**Cc :** mspcb-hp <mspcb-hp@nic.in>, mshppcb@gmail.com, gurnam <gurnamsingh.cpcb@nic.in>, Narender Sharma <narendersharma.cpcb@gov.in>

To,

**Deputy Commissioner,**  
District Solan,  
Deputy Commissioner Office, Solan, Himachal Pradesh-173212  
**Email:** dc-sol-hp@nic.in

**Subject:** Compliance of NGT Order dated 14/12/2023, in the Matter of OA No. 563 of 2023

Sir,

This has reference to the NGT matter of OA No. 563 of 2023; News item titled "MLA apprised of losses due to illegal mining in Doon Assembly segment" appearing in Dainik Tribune dated 08.09.2023", wherein Hon'ble National Green Tribunal vide Order dated 14/12/2023 (Copy attached), has directed as follows:

"3. In view of the above, information provided by the District Magistrate, Dehradun, the order dated 25.09.2023 is partially modified and the Joint Committee is reconstituted with Member Secretary, Himachal Pradesh; Secretary, Central Pollution Control Board and District Magistrate concerned with Doon Assembly Segment, Uttarakhand.

4. The District Magistrate, Solan will act as a nodal agency.

5. The Committee will visit the site and submit an action take report relating to violation of environmental laws as also the remedial measures.

6. The Committee is directed to submit the action taken report within a period of 8 weeks by e-mail at [judicial-ngt@gov.in](mailto:judicial-ngt@gov.in) preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF."

This is to inform that Dr. Narender Sharma, Director/Scientist 'F' (Mobile: 9814004377; Email: [narendersharma.cpcb@gov.in](mailto:narendersharma.cpcb@gov.in)), CPCB Regional Directorate, BSNL Tel. Exchange, 2nd Floor, Sector 49 C, Chandigarh-160 047, is nominated for representing Central Pollution Control Board (CPCB) in this matter. **He may be contacted directly, for further proceedings in this matter, for compliance of the orders of Hon'ble NGT.**

Thanking you,

Yours faithfully,

Regional Director  
Central Pollution Control Board (CPCB)  
Regional Directorate  
BSNL Tel. Exchange, 2nd Floor  
Sector 49-C, Chandigarh-160047

**Copy to :** Member Secretary, Himachal Pradesh Pollution Control Board (HPPCB), Him Parivesh, Phase-III, New Shimla-171009. H.P.; Email: [mspcb-hp@nic.in](mailto:mspcb-hp@nic.in), for kind Information please.



NGT Order in 563 of 2023.pdf  
240 KB



Signed by  
Anil Joshi  
**Anil Joshi (IFS)**  
Date: 23-12-2023 16:31:09  
**Member Secretary**  
**HPSPCB**

**Copy to the following:-**

1. **The Regional Director, CPCB, Chandigarh, BSNL Telephone Exchange, 2nd Floor, Sector-49C, Chandigarh-160047(Email: narendersharma.cpcb@nic.in)for information and necessary action please.**
2. **The Regional Officer, HPSPCB, Baddi, Distt. Solan, H.P. He is directed to associate with Joint committee as representative of the State Board and ensure filling of ATR well in time.**

Sd/-  
**Anil Joshi (IFS)**  
**Member Secretary**  
**HPSPCB**


**Fwd: ORDER passed in Original Application No. 563/2023**

2 messages

mspcb-hp <mspcb-hp@nic.in>  
To: legalcellhppcb <legalcellhppcb@gmail.com>

Fri, Dec 22, 2023 at 3:31 PM

**From:** "Consultant Judicial-NGT(P.B.)" <judicial-ngt@gov.in>  
**To:** "mspcb-hp" <mspcb-hp@nic.in>, "Prabodh Saxena" <cs-hp@nic.in>, "MS, CPCB" <mssc.cpcb@nic.in>, "DC Solan" <dc-sol-hp@nic.in>  
**Cc:** secretary-vs@uk.gov.in  
**Sent:** Friday, December 22, 2023 3:27:51 PM  
**Subject:** ORDER passed in Original Application No. 563/2023

**Respected Sir/Madam,**

I am directed to forward a copy of the **Order dated 14/12/2023 passed in Original Application No. 563/2023 In re : News item titled "MLA apprised of losses due to illegal mining in Doon Assembly segment" appearing in Dainik Tribune dated 08.09.2023.**

. for your kind perusal & necessary action.

for further correspondence please send all the documents on the new mail-id i.e.

**judicial-ngt@gov.in**

**Kindly acknowledge the same.**

**REGARDS**

**CONSULTANT (Judicial)**

**(N.G.T.)(P.B.) 🌳 New Delhi 🌳**



 **MLA apprised of losses due to illegal mining.pdf**  
245K

mspcb-hp <mspcb-hp@nic.in>  
To: legalcellhppcb <legalcellhppcb@gmail.com>

Fri, Dec 22, 2023 at 5:09 PM

**From:** "Prabodh Saxena" <cs-hp@nic.in>  
**To:** "mspcb-hp" <mspcb-hp@nic.in>, "MS, CPCB" <mssc.cpcb@nic.in>, "DC Solan" <dc-sol-hp@nic.in>, satpaldhiman@yahoo.com, sectionenvironment@gmail.com  
**Sent:** Friday, December 22, 2023 3:54:26 PM  
**Subject:** Fwd: ORDER passed in Original Application No. 563/2023  
[Quoted text hidden]



No. Accts.(LFA) O.A No. 563/2023 (NGT)- 2265  
**OFFICE OF THE DEPUTY COMMISSIONER**  
**SOLAN, DISTRICT SOLAN, HIMACHAL PRADESH.**  
 ☎: 01792-220757, ✉: dc-sol-hp@nic.in

Dated : Solan-173212 the 18<sup>th</sup> January, 2024.

To

1. The Secretary, Central Pollution Control Board, Parivesh Bhawan, East Arjun Nagar, Dehli.
2. The Member Secretary, HPSPCB, Phase-III, New Shimla, HP.

Subject:

**Compliance of order dated 14.12.2023 passed by the Hon'ble NGT in OA No. 563/2023 titled as Re: MLA apprised of looses due to illegal mining in Doon Assembly segment" appearing in Dainik Tribune dated 08.09.2023.**

Sir,

In reference to this office letter No. Accts.(LFA) O.A No. 563/2023 dated 11.01.2024 vide which you were requested to comply with the directions/Orders passed by the Hon'ble NGT dated 14.12.2023 and to inform about the availability in the third week of January 2024, so that a date could be fixed for Joint Inspection of the committee. In this regard a letter is being received to this office from Assistant Geologist-cum-Mining Officer, Solan dated 16.01.2024 informing therein about the discussed dates in January, 2024. Among the discussed dates the undersigned has fixed date on 30.01.2024 for the Joint Inspection.

Therefore, you are requested to make it convenient to attend the Joint Inspection on 30<sup>th</sup> January, 2024 at 10.00 AM sharp in Doon Assembly segment at Village Handakundi, Panchayat Sunner along river Sirsa, so that action taken report can be submitted to the Hon'ble NGT well in time. All the enclosures of the case are sent herewith for ready reference.

Yours faithfully,

  
**Manmohan Sharma, IAS**  
**Deputy Commissioner,**  
**Solan, District Solan, HP.**

Dated: 18<sup>th</sup> January, 2024.

Endst. No. As above. 2265

Copy is forwarded to the

1. The Assistant Geologist-cum-Mining Officer, Solan, District Solan, HP with direction to attend the above mentioned Joint Inspection along with all relevant documents pertaining to the matter.
2. The Regional Officer, HPSPCB, Baddi, District Solan (Representative of HPSPCB) with direction to take up matter with Assistant Geologist-cum-Mining Officer, Solan, District Solan and send the complied report to this office for further necessary action in the abovementioned matter.

  
**Deputy Commissioner,**  
**Solan, District Solan, HP.**

**Annexure-7**

**Geo-tagged Photographs taken by Joint Committee during Site Visit on 30/01/2024**

**Photograph 1-5:** Manual Screener and Classifier installed for screening & segregation of illegally extracted river bed material into sand and boulders.

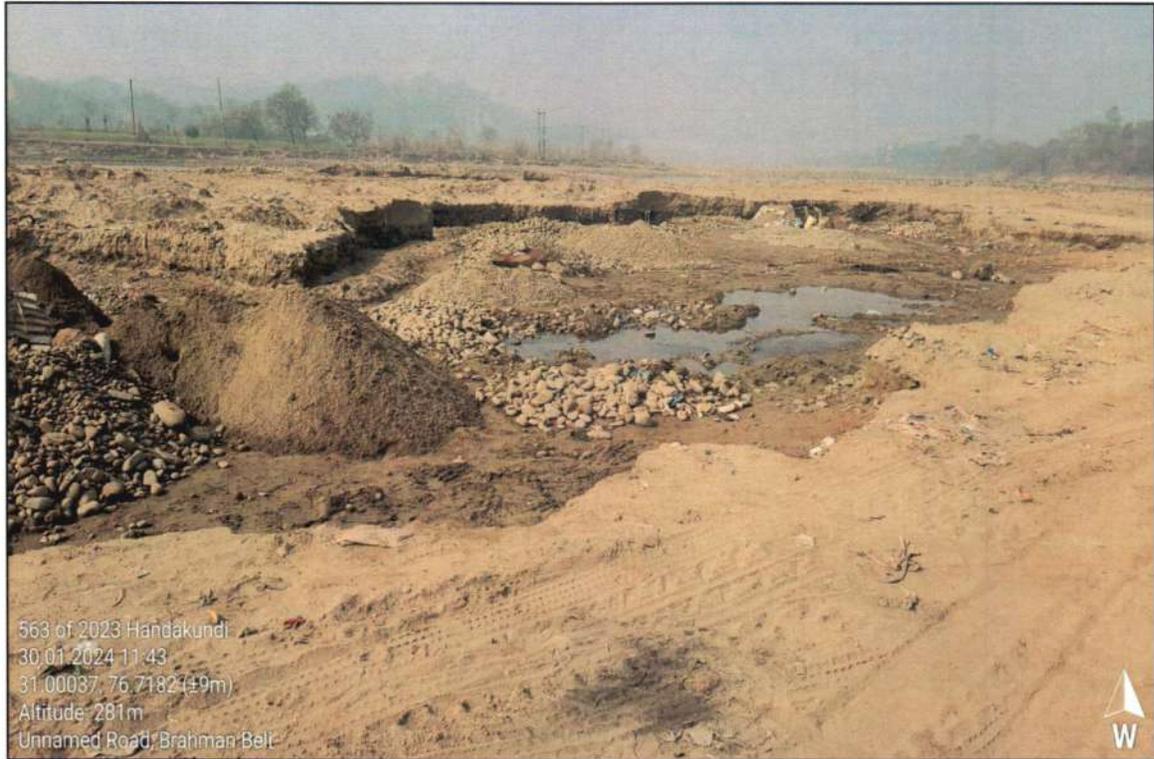


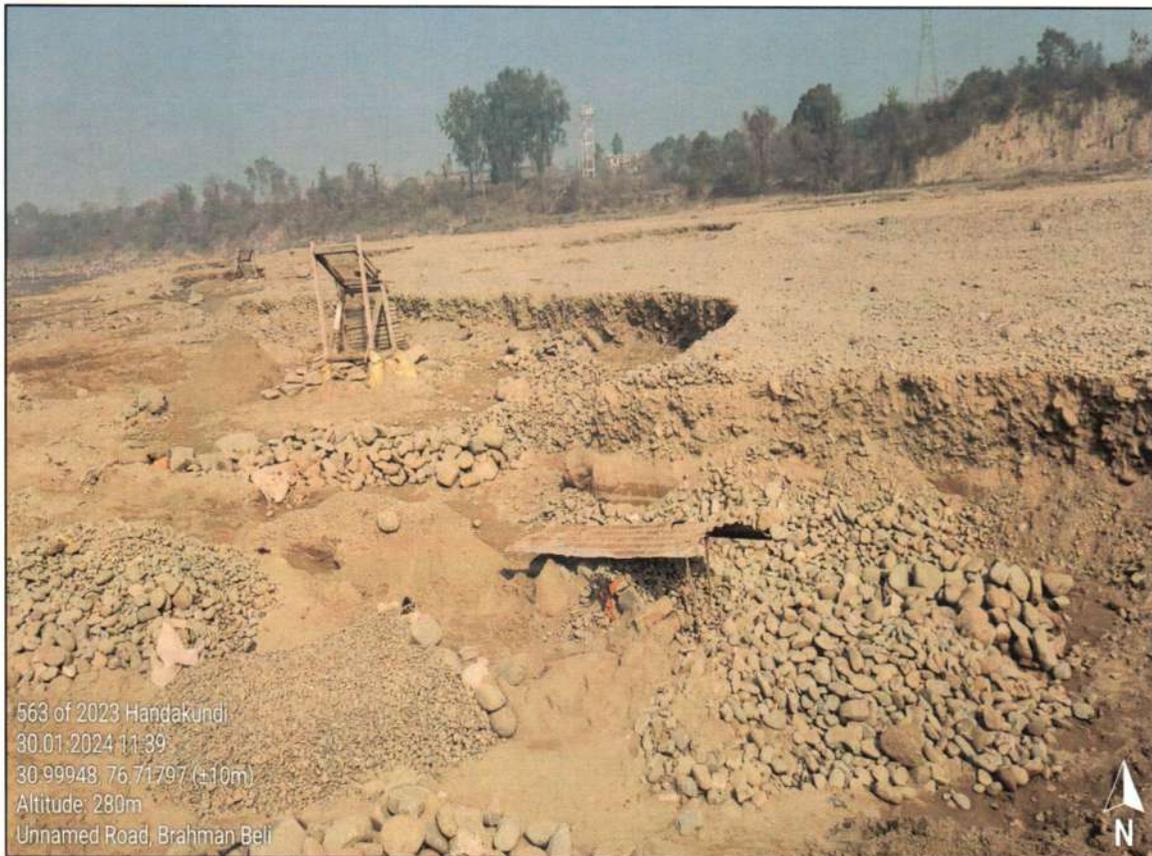


Photograph 6-7: Screeners concealed in nearby bushes.



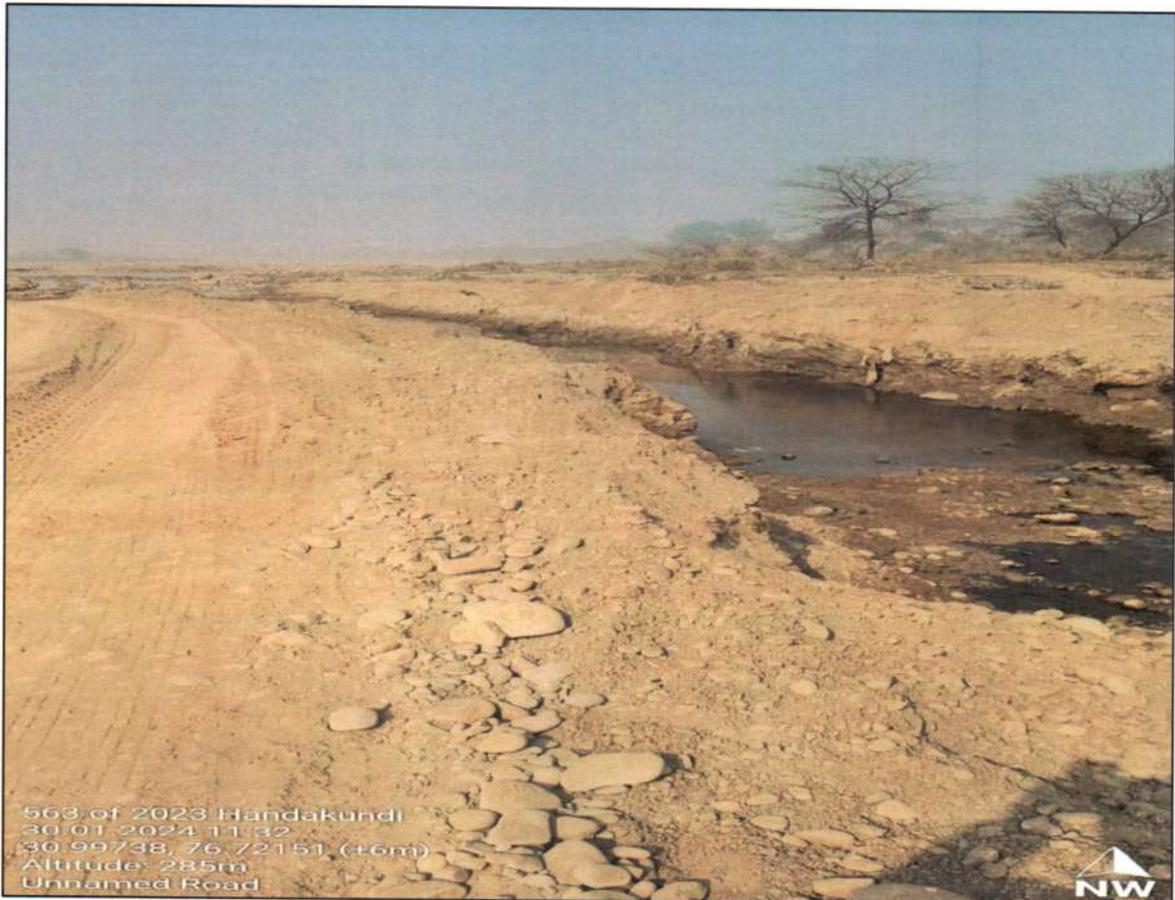
**Photograph 8-19:** Condition of river bed affected due to illegal river bed mining.





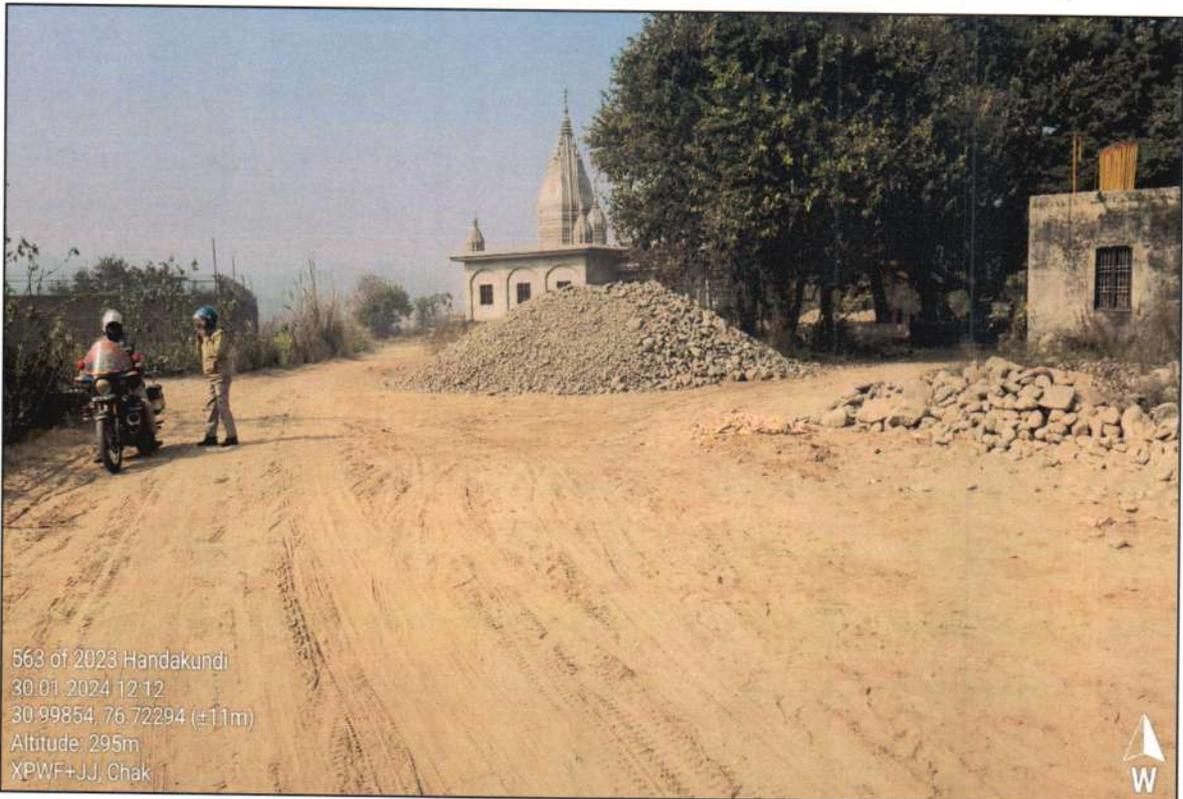
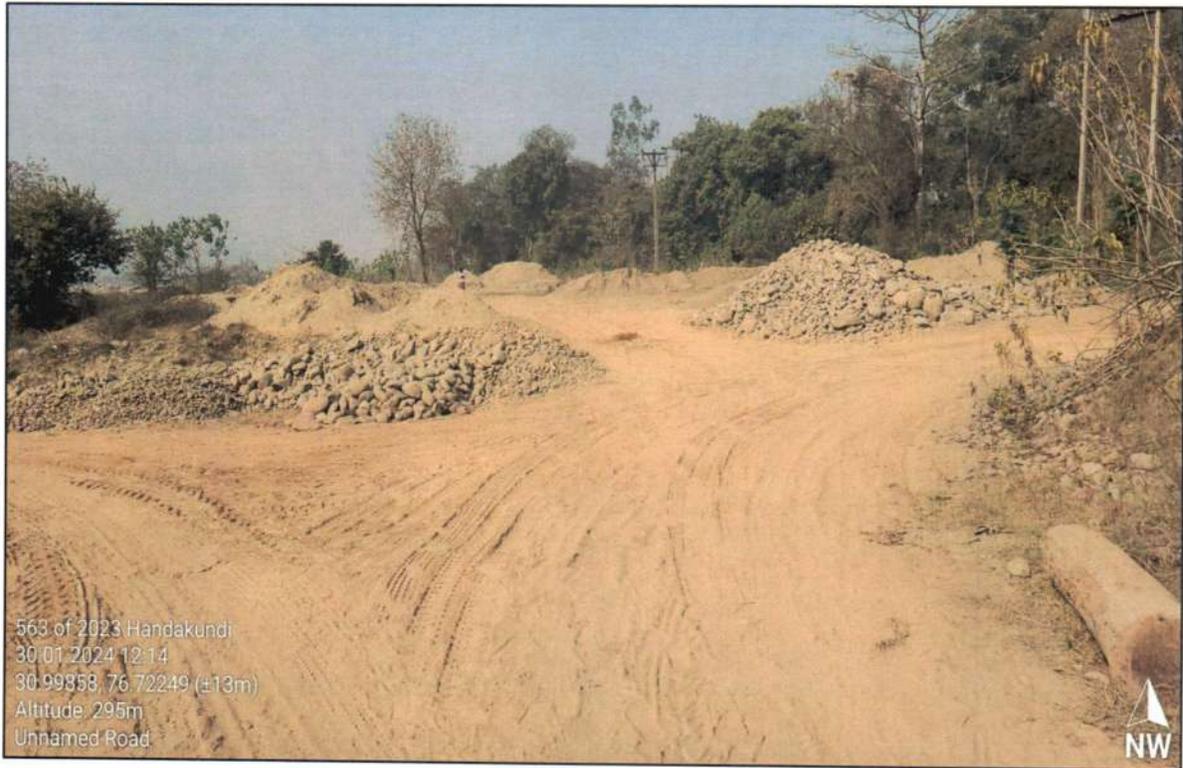




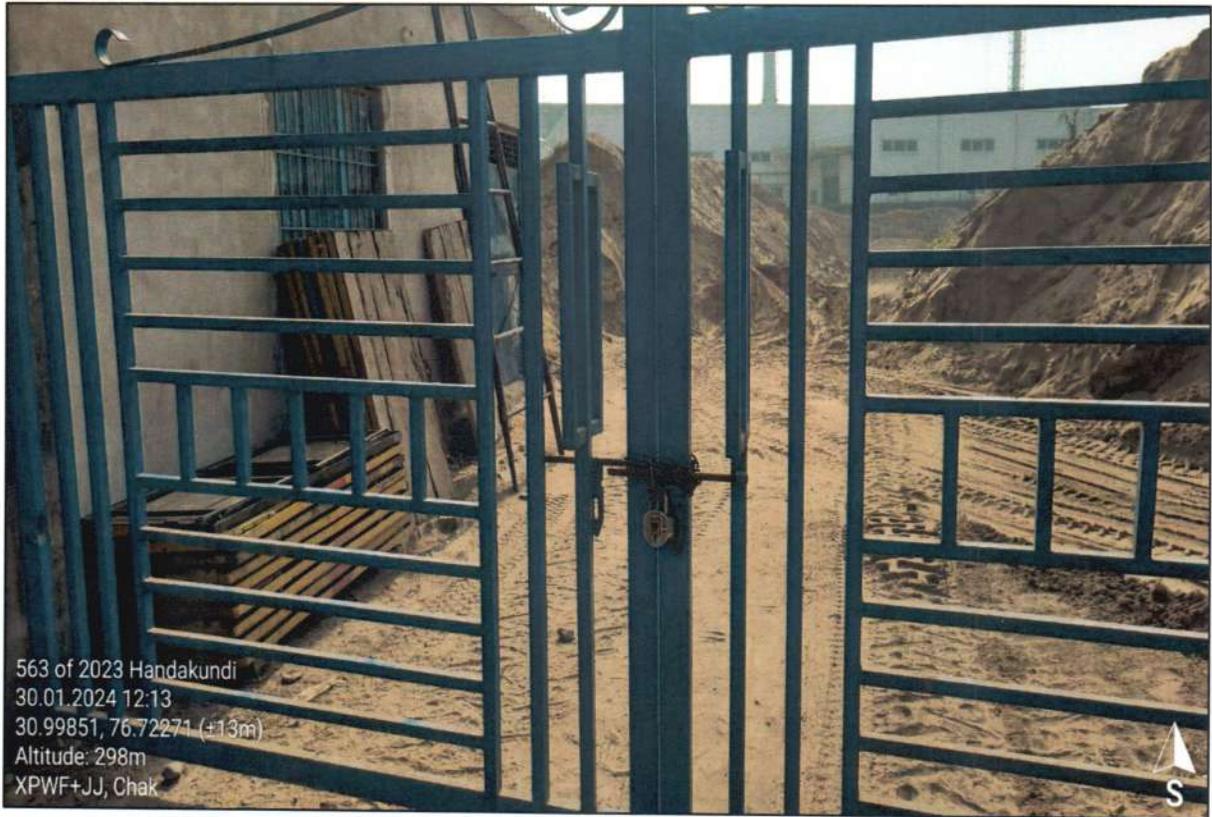




Photograph 20-21: Mineral (Sand and boulders) found stored near the site visited by JC.



**Photograph 22:** Huge quantity of mineral (Sand and boulders) found stacked in the locked & fenced premises



Annexure-8



NO. 408 /5A DATED 13.02.2024

TO

ADDITIONAL DIRECTOR (ENVIRONMENT)  
CUM- CHIEF ENVIRONMENTAL ENGINEER  
HPSPCB REGIONAL OFFICE BADDI.

SUB- REG MINING CHALLAN AT HANDA KHUNDI IN YEAR 2023

SIR,

KINDLY REFER TO YOUR OFFICE LETTER NO .....DATED 13.02.2024. REG DETAIL OF MINIG CHALLAN CONDUCTED IN THE YEAT 2023 NEAT AT HANDA KHUNDI . IN THIS REGARD IT IS SUBMITTED THAT THE REQUIRED INFORMATION UNDER AS PERFORMA:-

1	AVTAR S/O PRAKASH CHAND R/O HANDA KHUNDI	TIPPER HP12T 5068	0826190 ON DT. 13.02.23	15000/-
2	HARBANS S/O GURBAKSH R/O KHOL BELI PO MANPURA THE BADDI	TRACTOR PB12AF1076	0826196 ON DT. 16.03.23	4500/-
3	AVTAR SINGH S/O PARKASH CHAND R/O HANDA KHUNDI PO MANPURA	TIPPER HP10TC 00668/21	0826197 ON DT.	15000/-
4	MOHD. YAKUB S/O SH ROSHANDEEN R/O BELI KHOL PO MANPURA	TRACTOR A/F	0826199 ON DT.	5000/-
5	RAM GOPAL S/O PARKASH CHAND R/O HANDA KHUNDI PO MANPURA	TRACTOR A/F	0046266 ON DT. 13.05.23	5000/-
6	RAM NATH S/O RATTI RAM R/O HANDA KHUNDI PO MANPURA	TRACTOR HP12C7552	0046268 ON DT 19.05.23	5000/-
7	KRISHAN LAL S/O TELU RAM VILL HANDA KHUNDI PO MANPURA	TRACTOR A/F	0046269 ON DT 21.05.23	5000/-
10	AVTAR S/O PARKASH CHAND R/O HANDA KHUNDI PO MANPURA	TIPPER HP12P 8323	0046271 ON DT. 31.05.23	25000/-
11	RAJ KUMAR S/O SAJOO RAM R/O BELI KHOL PO MANPURA	TRACTOR A/F	0046273 ON DT.	5000/-
12	RAJU S/O NAJEER MOHD. R/O KASAMBOWAL PO MANPURA	TRACTOR A/F	0046280 ON DT. 12.07.23	5000/-
13	BIR CHAND S/O PREMA R/O BELI KHOL PO MANPURA	TRACTOR A/F	0046283 ON DT. 16.07.23	5000/-
14	RADHA KRISHAN S/O PAAS RAM R/O HANDA KHUNDI PO MANPURA	TRACTOR HP12P 1855	00465286 ON DT. 25.07.23	5000/-
15	MANJIT SINGH S/O NARAYAN DASS R/O HANDA KHUNDI PO MANPURA	TRACTOR PB12AE 3550	0046293 ON DT. 26.08.23	5000/-
16	DINESH KUMAR S/O KRISHAN KUMAR R/O SAMBHOWAL GUJJIRAN PO MANPURA	TIPPER HP93A 7792	0046298 ON DT. 28.08.23	7500/-
17	JAKTAR S/O DEV RAJ R/O VILL CHHOTA MAKRUNA THE CHANKOUR SAHIB PB	TRACTOR PB71A9005	0046299 ON DT 29.08.23	5000/-
18	M/S BALBIR SONS C/O KRISHAN KUMAR VOLL JODHPUR VILL CHIKAN THE KALKA HR	TIPPER HR68C9009	0826507 ON DT. 17.10.24	25000/-
19	MANJIT SINGH S/O NARAYAN DASS R/O HANDA KHUNDI PO MANPURA	TRACTOR PB12AE3550	0826514 ON DT. 26.11.23	5000/-
20	JAKTAR S/O DEV RAJ R/O VILL CHHOTA MAKRUNA THE CHANKOUR SAHIB PB	TRACTOR PB71A 9005	0826515 ON DT. 17.11.23	4500/-
21	JMALDEEN S/O RAKHU RAM R/O HANDA KHUNDI PO MANPURA TEH BADDI	TRACTOR HP128822	0826530 ON DT. 31.12.23	5000/-

32

FOR YOUR KIND INFORMATION PLS

Sd/-  
13/02/2024  
Police Station Manpura  
PS MANPURA, Baddi (H.P.)  
POLICE DISTT BADDI (HP)

(6)

Status note on action taken in the village Handa-Kundi to curb illegal mining

In order to curb the illegal mining in the Nalagarh Sub-division, the Department is conducting regular surprise raids even during odd hours to keep a strict check on illegal mining including the Handa-Kundi village along the Sarsa River. The Mining Office Solan, during the raids especially in Handa-Kundi village detected 10 number cases of illegal mining and transportation of illegal minor mineral during January, 2023 to December, 2023 and compounded 4 cases with a fine of Rs. 69,500/- (Rupees Sixty-Nine Thousand Five Hundred only) while the rest of the six cases are pending for adjudication in respective jurisdiction. The office has also plugged the illegal road that was used in Handa-Kundi area for illegal extraction of minor mineral.

During the night raid the department has detected 11 small scaled sand-screeners in village Handa-Kundi used by some unscrupulous persons who unauthorizedly use labours brought from other States having no valid Identity proofs. In order to tackle the situation, the department has sought help from Baddi Police to identify such unscrupulous persons. In the view of this, the unauthorized sand-screeners had been totally destroyed by the department on spot along-with Police officials and mineral has been conserved from being theft. It is also pertinent to mention here that the department has also auctioned 1000 M.T. of seized minor mineral (sand) in Handa-Kundi village and during auction dated 01.09.2023 highest bid amount was Rs. 3,16,000/- (Rupees Three Lac Sixteen Thousand) which has been added to the State exchequer. The detail of 10 numbers of illegal mining and transportation cases is also attached herewith.

Further, during the inspection on dated 30/01/2024 in the area under reference 2542 MT mineral has also been seized and same shall be auctioned under Himachal Pradesh Minor Minerals (Concession) and Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2015.

It is also pertinent to mention here that there are two mining leases granted in the river bed of Sarsa around the Handa Kundi Area in favor of (1) Shri Gaurav Kumar, GPA holder of Smt. Shashi Adlakha, Prop. M/s Jai Naina Devi stone crusher, Village Berson, P.O. Manjholi, Tehsil Nalagarh, District Solan (H.P.) and (2) Smt. Madhuri Saini, Prop. M/s Manjholi stone crusher, Village Berson, P.O. Manjholi, Nalagarh, Solan and the gap in the river Sarsa between these two above mining leases is also been applied by two applicants and their cases are under process.

In addition to above, as per power delegations the police Department has also detected 21 number of illegal mining and transport cases in the

area under reference and compounded the same with a fine of rs. 1,51,500. The detail is attached herewith.

**Remedial Measures to curb the illegal mining in the area**

Following remedial measures shall be considered to curb the illegal mining in the area

1. Fencing of area: The proposal for fencing of the area shall be prepared and the same shall be proposed after completing all the codal formalities before the DMFT (District Mineral Foundation Trust) meeting for approval.
2. Posting of Mining Guard: A Mining Guard shall be deputed permanently for monitoring the area along with police department so that any illegal mining in the area shall completely rest.

Cases detected by Mining Department in the village Handa-Kundl

S. No.	Date of Challan	Name of Offenders	Remarks
1.	24.01.2023	Shri Avtar S/o Shri Prakash Chand	Compounded for Rs. 25,000/-
2	06.02.2023	Shri Raj Kumar S/o Shri Jaithu Ram	Pending for adjudication
3.	13.02.2023	Shri Jagtar S/o Shri Dev Raj	Compounded for Rs. 7,500/-
4.	17.02.2023	Shri Geeta Ram S/o Shri Ram Asra	Compounded for Rs. 30,000/-
5.	17.02.2023	Shri Avtar S/o Shri Praksh Chand	Pending for adjudication
6.	07.07.2023	Shri Chaman Lal S/o Shri Sucha Ram	Pending for adjudication
7.	24.07.2023	Shri Avtar S/o Shri Ghunna Ram	Compounded for Rs. 7,000/-
8.	28.08.2023	Shri Labh Singh S/o Shri Lajja Ram	Pending for adjudication
9.	28.08.2023	Shri Jagtar S/o Shri Devraj	Pending for adjudication
10.	28.08.2023	Shri Mustak Mohammed S/o Shri Rakha Ram	Pending for adjudication

  
 Assistant Geologist  
 Cum Mining Officer, Solan  
 Himachal Pradesh

(a)

(Authoritative English text of this Department Notification No. STE-E(5)-2/2021 dated 18-08-2022 as required under clause (3) of article 348 of the Constitution of India)

**Government of Himachal Pradesh  
Department of Environment, Science & Technology**

No. STE-E(5)-2/2021

Dated: Shimla-2,

18-08-2022.

**NOTIFICATION**

WHEREAS, under Section 5 of the Environment Protection Act, 1986(Act No. 29 of 1986), the State Government is empowered to issue direction to implement the directions passed by the Hon'ble National Green Tribunal vide order dated 23-02-2021 passed in O.A No. 360/2015-NGT titled as National Green Tribunal, Bar Association vs. Verinder Singh for recovery of compensation on account of damage caused to the environment and ecology due to illegal mining:

WHEREAS, the Hon'ble NGT in Para 25 of its above Order dated 26.02.2021 has directed Central Pollution Control Board (CPCB) that the scale of compensation calculated with reference to Approach- II mentioned in the Expert Committee Report dated 30.01.2020 be adopted by all States/UTs and that the compensation be recovered in compliance to the said order and the recovered compensation may be kept in separate account and utilized for restoration of environment by preparing an appropriate action plan under the directions of Environment Secretary with the assistance of such individual institutions as may be considered necessary. However the quantum of compensation calculated with this approach for recovery of the loss caused due to illegal mining has to be determined by the State on case to case basis and by assessing the damage done to the environment at the site:

WHEREAS, the Central Pollution Control Board, Ministry of Environment, Forest and Climate Change, Government of India vide letter No. CPCB/IPC-II/NGT-O.A (360/2015)/2021/2039, dated 11.06.2021 has directed the State Govt., in compliance of the aforesaid directions of the Hon'ble NGT and in exercise of powers conferred by section 5 of the Environment Protection Act, 1986, to evolve an appropriate mechanism for assessment and recovery of compensation in all the Districts of the State and for utilization of the recovered compensation for restoration of environment by preparing an appropriate action plan.

AND NOW THEREFORE, in view of above observations and the directions passed in para 25 of the Hon'ble NGT Order dated 26.02.2021 and in exercise of the powers conferred under section-5 of the Environmental Protection Act, 1986, the Governor of Himachal



Pradesh is pleased to devise an appropriate mechanism for assessment and recovery of compensation in all Districts of the State as follows:-

1. The overall responsibility to check illegal mining, to punish the offenders, to draw plans for prevention of illegal mining and take any further steps in this direction shall vest with the District Administration, who shall be assisted by the Superintendent of Police, the District Mining officer(s), the Forest Department and also the Departments/institutions like JSV, HPPWD, HPSIDC, Deputy Director Industries, the Block Development Officer(s) and any other Department/ Office/Authority at the District level as deemed fit by the District Magistrate or any other officer authorized in this behalf by him.
2. In order to ascertain the amount and quantity of damage done to the environment and ecology by the illegal miners or any such offenders who are in violation of any order or legislation or rule dealing with illegal mining, a Committee under the Sub-Divisional Magistrate shall ascertain the amount of damage caused to the environment by the act of such persons and cause the same to be recovered.
3. The Sub Divisional Magistrate shall first ascertain the identity of illegal miners and then seek the assistance of Mining Officer, PWD, BDO, Forest Department and the Police to calculate the damage done to environment and ecology as per the Approach II as directed by the Hon'ble NGT vide Order dated 26-02-2021 in the above tilted case. For the sake of clarity the Approach II along with other seizures and release of vehicles is explained in ANNEXURE-I.
4. For the recovery of damage done to the ecology and environment, a notice of calling the perpetrators to deposit the environmental compensation shall be issued by the Sub-Divisional Magistrate to such persons involved in illegal mining.
5. If the perpetrators fail to deposit the said amount, the Sub-Divisional Magistrate has the power to use any means including attachment of property or declaration of such amount as arrears of land revenue.
6. A State level Nodal account shall be opened by the Director, Environment, Science & Technology Department which shall be used to deposit the amount recovered as compensation from the illegal mining activities. The Director, Environment, Science & Technology with the assistance of such Agencies as deemed fit shall utilize this amount for restoration of the damage caused to environment as a result of such illegal activities. The amount recovered from a particular area/site shall be used for restoration activities in that area only or in its immediate vicinity having direct environmental effect. For this



purpose, the plan for restoration shall be got made by the Sub-Divisional Magistrate with the assistance of BDO, PWD, JSV, HPSIDC, Forest or any other Agency deemed fit. The same shall be submitted along with amount needed to the Director, Environment, Science & Technology for approval. The amount shall not exceed the compensation so collected. Whatever amount is left at the disposal of the Director, Environment S&T after spending on these plans shall be used for other ecological or conservation activities within the State in consultation with the State Government.

In the event of failure to comply with the directions passed by the Hon'ble NCT the concerned individual(s)/institution(s) shall be liable for non-compliance.

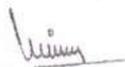
By Order

**Prabodh Saxena**  
Addl. Chief Secretary (Env., S&T) to the  
Government of Himachal Pradesh  
18-08-2022.

Endsts. No. STE-E(3)-2/2021 Dated: Shimla-2

**Copy forwarded to the following for information & necessary action:-**

1. All the Administrative Secretaries to the Government of Himachal Pradesh, Shimla-171002.
2. The Pr. Chief Conservator of Forest, H.P Shimla-171001.
3. All the Heads of Departments, Himachal Pradesh.
4. The Engineer-in-Chief, PWD, Shimla -171002.
5. The Engineer-in-Chief, Jal Shakti Vibhag, Shimla -171005.
6. The Member Secretary, HP State Pollution Control Board, Shimla-171009.
7. All the Deputy Commissioners, Himachal Pradesh.
8. All the Superintendents of Police, Himachal Pradesh.
9. The Director, Department of Industries, Himachal Pradesh, Shimla-171001.
10. The Director, Environment, Science & Technology Deptt., Himachal Pradesh, Shimla-171001
11. Guard file.

  
(Satpal Dhiman) 18-8-2022  
Additional Secretary (Env., Sci., & Tech.) to the  
Government of Himachal Pradesh

ANNEXURE-I

Recovery of compensation and other penalties for release of vehicles/equipment as per Order passed by the Hon'ble National Green Tribunal in O.A No. 360/2015-NGT Bar Association vs. Verinder Singh dated 19.02.2020.

The Hon'ble NGT considering the practical difficulty has modified its orders vide Order dated 19.02.2020 and has directed that the amount of compensation for the damage to the environment shall be charged as under:-

Sr.No.	Category of vehicle	Penalty amount
1.	Vehicles/Equipments/Excavators with showroom value more than Rs. 25 lacs and less than 5 years old.	4 lacs
2.	Vehicles/Equipments/Excavators with showroom value more than Rs. 25 lacs and more than 5 years but less than 10 years old.	3 lacs
3.	For the remaining Vehicles older than 10 years/equipments/excavators which are otherwise legally permissible to be operated and not covered by Serial No. 1 and 2.	2 lacs

**Note-I:** On repetition of the offence by the same vehicle/equipment, Order dated 05.04.2019 will be applicable

**Note-II-** The option of release may be available for a period of one month from the date of seizure and thereafter, the vehicles may be confiscated and auctioned.

**APPROACH - II** is demonstrated by following formula as under:-

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

**Total Benefits (B) = Market Value of illegal extraction: D**  
**Total Ecological Costs = Market Value Adjusted for risk factor: D \* RF**



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

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

### Compensation Charge - explicit accounting of NPV

Market Value of Illegally Mined Material (D)      5000\*400 = 2000000/-  
 Annual Value of Foregone Ecological Values      D\*RF = 2000000/-

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

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

$$= \frac{2000000}{(1+0.05)^1} + \frac{2000000}{(1+0.05)^2} + \frac{2000000}{(1+0.05)^3} + \frac{2000000}{(1+0.05)^4} + \frac{2000000}{(1+0.05)^5}$$

$$= \text{Rs. } 86,58,953/-$$

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

$$= NPV = PV - D$$

$$= \text{Rs. } 66,58,953/-$$

Compensation Charge in above case:

**Approach 2**  
 (explicit accounting of NPV) @ 5% discount rate and over 5 years  
**Rs. 66,58,953/-**

*Handwritten signature*

ILLUSTRATION NO.1

Let us say that in Shimla district 50 tons of illegally mined material has been recovered by the concerned authority. The market value of the illegal mined material is determined by the Mining Wing, who shall ascertain the pith mouth value of the illegal mined material which is presumed to be Rs.300. The market value of the illegal mined material for various categories shall also be determined by the Mining Officer(s). The variables in the illustration are assumed as per the inputs from the Mining Wing for enabling the application of the Approach II. In this case the D (market value of illegal extraction) and the RF (risk factor) shall be determined by the Mining Officer who shall calculate the amount of compensation to be levied as follows:

$D = \text{market value of illegal mined mineral} \times \text{illegal mined material}$

$RT = D \times \text{Risk factor}$ .

$r = \text{discount}$ .

$t = \text{time ( i.e 5 years)}$

RF = risk factor determined by the table as Moderate i.e .50

Therefore, the  $r$  (discount) is 7% i.e .07.

Illegal mined material = 50 tons.

Market value of illegal mined material = 300 per ton (pith mouth value which is to be determined by the mining wing)

$(D+RT) = D \times RF$

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

$(D+RT) = D \times RF$

$D = \text{market value of illegal mined mineral} \times \text{illegal mined material}$ .

RF= Mild	Moderate	Significant	Severe
.25	.50	.75	1

$(1+r) = 8\% \quad 7\% \quad 6\% \quad 5\%$  (as per Table-2)

Illegally mined material = 50 tons

Market value = Rs.300 per ton (pit mouth value)

i.e  $D = \text{market value of illegal mined mineral} \times \text{illegal mined material}$

$= 300 \times 50 = \text{Rs.15000}$

RF= risk factor adopted is Moderate.

Annual value of forgone ecological values =  $D \times RF$  (risk factor)

$= 15000 \times .50(\text{moderate})$

$= \text{Rs.7,500}$ .

Present value of forgone ecological value (PV) = 7% discount for moderate (r)

$$\begin{aligned}
 PV &= \sum_{t=1}^5 \frac{(D+RT)}{(1+r)^t} \\
 \text{i.e.} & \frac{(7500)}{(1+.07)^1} = 7,009.34 \text{ (first year)} \\
 & \frac{(7500)}{(1.07)^2} = \frac{7500}{1.15} = 6,521.73 \text{ (second year)} \\
 & \frac{(7500)}{(1.07)^3} = \frac{7500}{1.22} = 6,147.54 \text{ (third year)} \\
 & \frac{(7500)}{(1.07)^4} = \frac{7500}{1.31} = 5,725.19 \text{ (fourth year)} \\
 & \frac{(7500)}{(1.07)^5} = \frac{7500}{1.40} = 5,357.14 \text{ (fifth year)}
 \end{aligned}$$

$$7,009.34 + 6,521.73 + 6,147.54 + 5,725.19 + 5,357.14 = 30,760.94.$$

Rs. 30,760.94. to be recovered as compensation against illegal mining.

*Note: The quantity and value of illegally mined material used for illustration-1 as above are hypothetical and are only used to bring clarity.*

### ILLUSTRATION NO. 2

Let us say that in Una district 70 tons of illegally mined material has been recovered by the concerned authority. The market value of the illegal mined material is determined by the Mining Wing, who shall ascertain the pith mouth value of the illegal mined material which is presumed to be Rs 400. The market value of the illegal mined material for various categories shall also be determined by the Mining Officer. The variables in the illustration are assumed as per the inputs from the Mining Wing for enabling the application of the Approach II. In this case the D (market value of illegal extraction) and the RF (risk factor) shall be determined by the Mining Officer who shall calculate the amount of compensation to be levied as follows:

**D= market value of illegal mined mineral x illegal mined material**

**RT= D x Risk factor.**

r =discount

t = time ( i.e 5 years)

RF = risk factor determined by the table as Severe i.e .1

*Winn*

Therefore, the  $r$  (discount) is 5% i.e .05.

Illegal mined material = 70 tons.

Market value of illegal mined material = 400 per ton (pith mouth value which is to be determined by the mining wing)

$$(D+RT) = D \times RF$$

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

$$(D+RT) = D \times RF$$

$D =$  market value of illegal mined mineral x illegal mined material.

RF= Mild	Moderate	Significant	Severe
.25	.50	.75	1

$(1+r) = 8\% \quad 7\% \quad 6\% \quad 5\%$  (as per Table-2)

Illegally mined material = 70 tons

Market value = Rs.400 per ton (pit mouth value)

i.e  $D =$  market value of illegal mined mineral x illegal mined material

$$= 400 \times 70 = \text{Rs.}28,000$$

RF= risk factor adopted is Severe.

Annual value of forgone ecological values =  $D \times RF$  (risk factor)  
 $= 28,000 \times 1$  (moderate)  
 $= \text{Rs } 28,000.$

Present value of forgone ecological value (PV) = 5% discount for severe ( $r$ )

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

i.e

$$\frac{(28,000)}{(1+.05)^1} = 26666.66 \text{ (first year)}$$

$$\frac{(28,000)}{(1+.05)^2} = \frac{28000}{(1.10)} = 25454.54 \text{ (second year)}$$

$$\frac{(28000)}{(1.05)^3} = \frac{28000}{(1.16)} = 24,137.93 \text{ (third year)}$$

$$\frac{(28000)}{(1.05)^4} = \frac{28000}{(1.22)} = 22,950.81 \text{ (fourth year)}$$

$$\frac{(28000)}{(1.05)^5} = \frac{28000}{1.28} = 21,875.00 \text{ (fifth year)}$$

*Wing*

$$26666.66^1 + 25454.54^2 + 24,137.93^3 + 22,950.81^4 + 21,875.00^5 = \text{Rs. 1, 21,084.94.}$$

Rs. 1, 21,084.94 to be recovered as compensation against illegal mining.

*Note: The quantity and value of illegally mined material used for illustration-2 as above are hypothetical and are only used to bring clarity.*

### ILLUSTRATION NO 3

The SDM of the let's say XYZ, Sub-Division area received information that about six persons with their equipment and vehicles are digging at point A, situated near river B. The SDM shall seek the assistance of the Police immediately and reach the site along with officer(s) of the Mining Department. He shall immediately identify the illegal miners with the help of the Police and confiscate their machinery. The machinery shall be kept in the custody of the local Thana. The videography of the spot be done alongwith the statements of village Revenue Officer and responsible persons from the Panchayat or the *Lumberdar* be recorded.

The SDM shall get the damage caused to the ecology and environment assessed by the officers of the Mining Department who, if need be, shall be given assistance by the PWD, Forest Department, Block Development Officer (BDO), or the Revenue Officials. For the purpose of the calculations of damage caused to the ecology and environment Approach-II shall be applied for which the Mining Officer or his representative shall be competent. Once calculations are done by the Mining Officer the same shall be conveyed to the offenders by way of notice, delivered as per routine practices of delivery of notices. A time period of 15 days shall be given to the offenders to deposit the Environment Compensation failing which the same shall be recovered by way of arrears of land revenue.

For the recovery of Environment Compensation the SDM may use other practices like cancellation of the Government contracts, blacklisting for future participation in tenders, etc. as per the content and situations. Only after the said Environment Compensation has been deposited, the vehicles and the machinery used in illegal mining shall be released.



-----

हिमाचल प्रदेश सरकार  
पर्यावरण, विज्ञान एवं प्रौद्योगिकी विभाग

संख्या: एस.टी.ई-ई(5)-2/2021

तारीख शिमला-2.

18 अगस्त, 2022.

अधिसूचना

पर्यावरण संरक्षण अधिनियम, 1986 (1986 का अधिनियम संख्यांक 29) की धारा 5 के अधीन माननीय राष्ट्रीय हरित अधिकरण द्वारा ओ.ए. संख्या 360/2015-एन0जी0टी नामतः नेशनल ग्रीन ट्रिब्यूनल बार एसोसिएशन बनाम विरेन्द्र सिंह में अवैध खनन के कारण पर्यावरण और पारिस्थितिकी का कारित नुकसान के प्रतिकर की वसूली के लिए जारी आदेश, तारीख 26-02-2021 द्वारा पारित निर्देशों को कार्यान्वित करने के लिए, राज्य सरकार निर्देश जारी करने हेतु राशक्त है;

माननीय राष्ट्रीय हरित अधिकरण ने अपने उपरोक्त आदेश, तारीख 26-02-2021 के पैरा 25 में निर्देश दिया है कि तारीख 30-01-2020 को एक्सपर्ट कमेटी की रिपोर्ट में वर्णित प्रस्ताव-11 (अपरोच-11) के संदर्भ में परिकल्पित प्रतिकर के पैमाने को समस्त राज्यों/केंद्र शासित प्रदेशों द्वारा अंगीकृत किया जाए और यह कि प्रतिकर की वसूली उक्त आदेश के अनुपालन में की जाए और वसूल किया गया प्रतिकर एक पृथक लेखा में रखा जाए और पर्यावरण सचिव के निर्देशाधीन ऐसे व्यक्ति/संस्था, जैसे उचित समझी जाए, की सहायता से समुचित कार्य-योजना तैयार करके उसका उपयोग पर्यावरण की बहाली के लिए किया जाए। तथापि, अवैध खनन के कारण कारित क्षति की वसूली के लिए इस प्रस्ताव (अपरोच) के साथ परिकल्पित प्रतिकर की मात्रा को राज्य द्वारा प्रत्येक मामले के आधार पर, स्थल पर पर्यावरण को किए गए नुकसान का आकलन करके निर्धारित किया जाना है;

केंद्रीय प्रदूषण नियंत्रण बोर्ड पर्यावरण वन और जलवायु परिवर्तन मन्त्रालय, भारत सरकार ने पत्र संख्या सी0 पी0 सी0 बी0/आई.पी. सी-11/एन.जी.टी. ओ.ए. (360/2015)/2021/2039, तारीख 11/06/2021 द्वारा माननीय राष्ट्रीय हरित अधिकरण के शर्तित निर्देशों के अनुपालना में और पर्यावरण संरक्षण अधिनियम, 1986 की धारा 5 द्वारा प्रदत्त शक्तों प्रयोग करते हुए राज्य के समस्त जिलों में प्रतिकर के निर्धारण और वसूली के लिए समुचित तन्त्र विकसित करने हेतु तथा वसूले गए प्रतिकर का उपयोग एक समुचित कार्य-योजना तैयार करके पर्यावरण की बहाली करने हेतु राज्य सरकार को निर्देश दिया है।

अतः हिमाचल प्रदेश के राज्यपाल उपरोक्त प्रेक्षकों और तारीख 26-02-2021 द्वारा माननीय राष्ट्रीय हरित अधिकरण के आदेश के पैरा 25 में पारित निर्देशों के दृष्टिगत और पर्यावरण संरक्षण अधिनियम, 1986 की धारा 5 द्वारा प्रदत्त शक्तों का प्रयोग करते हुए राज्य के समस्त जिलों में प्रतिकर के निर्धारण और वसूली हेतु निम्न प्रकार से समुचित तन्त्र विकसित करते हैं:-



1. अवैध खनन को नियंत्रित करने, अपराधियों को दण्डित करने, अवैध खनन के निवारण हेतु योजनाएं बनाने तथा इस दिशा में कोई आगामी कदम उठाने का सम्पूर्ण दायित्व जिला प्रशासन में निहित होगा, जिसकी सहायता पुलिस अधीक्षक, जिला खनन अधिकारी, वन विभाग और विभागों/संस्थानों जैसे कि जल शक्ति विभाग, हिमाचल प्रदेश लोक निर्माण विभाग, हिमाचल प्रदेश राज्य औद्योगिक विकास निगम, उप निदेशक उद्योग, खण्ड विकास अधिकारी और जिला स्तर पर कोई अन्य विभाग/कार्यालय/प्राधिकरण, जो जिला मजिस्ट्रेट या उस द्वारा इस निमित्त प्राधिकृत किसी अन्य अधिकारी द्वारा उचित समझा जाए, द्वारा भी की जाएगी।
2. अवैध खननकर्ताओं या ऐसे किन्हीं अपराधियों जो अवैध खनन से सम्बन्धित किसी आदेश या विधान या नियम का उल्लंघन करते हैं पर्यावरण और पारिस्थितिकी को किए गए नुकसान की रकम और मात्रा को सुनिश्चित करने के आशय से उपमण्डल मजिस्ट्रेट के अधीन गठित समिति ऐसे व्यक्तियों के कृत्य द्वारा पर्यावरण को कारित नुकसान को रकम सुनिश्चित करेगी और उसकी वसूली करवाएगी।
3. उपमण्डल मजिस्ट्रेट पहले अवैध खनन कर्ताओं की पहचान सुनिश्चित करेगा और तत्पश्चात् प्रस्ताव-II (अपरोच-II) के अनुसार पर्यावरण और पारिस्थितिकी को किए गए नुकसान को परिकल्पित करने हेतु खनन अधिकारी, लोक निर्माण विभाग, खण्ड विकास अधिकारी, वन विभाग और पुलिस की सहायता लेगा जैसा कि उपर्युक्त नामित मामले में तारीख 26-02-2021 के अपने आदेश में माननीय राष्ट्रीय हरित अधिकरण द्वारा निर्देशित किया गया है। यानों के अन्य अभिग्रहण और निर्मुक्ति सहित प्रस्ताव-II (अप्रोच-II) स्पष्टता के लिए एनैक्चर-I में स्पष्ट किया गया है।
4. पारिस्थितिकी और पर्यावरण को किए गए नुकसान की वसूली के लिए पर्यावरणीय प्रतिकर को जमा करने हेतु अपराधियों को बुलाने का नोटिस उप मण्डल मजिस्ट्रेट द्वारा अवैध खनन में अन्तर्वलित ऐसे व्यक्तियों को जारी किया जाएगा।
5. यदि अपराधी ऐसी रकम को जमा करने में असफल रहते हैं तो उपमण्डल मजिस्ट्रेट के पास सम्पत्ति को जब्त करने सहित ऐसे साधनों का प्रयोग करने या ऐसी रकम को भू-राजस्व के बकाया के रूप में घोषित करने की शक्ति है।
6. निदेशक, पर्यावरण, विज्ञान एवं प्रौद्योगिकी विभाग द्वारा एक राज्य स्तरीय नोडल लेखा खोला जाएगा, जिसे अवैध खनन क्रियाकलापों से प्रतिकर के रूप में वसूली गई रकम को जमा करने हेतु उपयोग किया जाएगा। निदेशक, पर्यावरण, विज्ञान एवं प्रौद्योगिकी ऐसे अभिकरणों, जैसे उचित समझा जाए, की सहायता से ऐसे अवैध खनन क्रियाकलापों के परिणामस्वरूप पर्यावरण को हुए नुकसान की बहाली हेतु इस रकम

का उपयोग करेगा केवल किसी विशिष्ट क्षेत्र/स्थल से वूसली गई रकम का केवल उसी क्षेत्र या उसके आस-पास के परिक्षेत्र, जिसमें सीधा पर्यावरणीय प्रभाव हो, में क्रियाकलापों की बहाली हेतु उपयोग किया जाएगा। इस प्रयोजन के लिए, बहाली की योजना उप मण्डल मेजिस्ट्रेट द्वारा खण्ड विकास अधिकारी, लोक निर्माण विभाग, जल शक्ति विभाग, हिमाचल प्रदेश राज्य औद्योगिक विकास निगम, वन या किसी अन्य अभिकरण, जैसा उचित समझे, की सहायता से तैयार किया जाएगा। उसे वांछित रकम सहित निदेशक, पर्यावरण, विज्ञान एवं प्रौद्योगिकी को अनुमोदन हेतु प्रस्तुत किया जाएगा। रकम इस प्रकार संगृहित प्रतिकर से अधिक नहीं होगी। इन योजनाओं पर खर्च करने के पश्चात् निदेशक, पर्यावरण, विज्ञान एवं प्रौद्योगिकी के पास जो रकम बचती है, उसका उपयोग राज्य सरकार के परामर्श से राज्य के भीतर अन्य पारिस्थितिकी या पर्यावरण क्रियाकलापों पर किया जाएगा।

माननीय राष्ट्रीय हरित अधिकरण द्वारा पारित निदेशों की अनुपालना करने में असफल रहने की दशा में सम्बद्ध व्यक्ति/संस्था (ए) अननुपालन के लिए दायी होंगे।

आदेश द्वारा,

प्रबोध सक्सेना  
अतिरिक्त मुख्य सचिव (पर्यावरण, विज्ञान एवं प्रौद्योगिकी)  
हिमाचल प्रदेश सरकार।

18 अगस्त, 2022.

पृष्ठांकन संख्या: यथोपरि।

तारीख: शिमला-2

प्रतिलिपि निम्नलिखित को आवश्यक कार्रवाई एवं सूचनार्थ हेतु प्रेषित है:-

1. समस्त प्रशासनिक सचिव, हिमाचल प्रदेश सरकार।
2. मुख्य प्रधान अरण्यपाल (वन) हिमाचल प्रदेश, शिमला।
3. निदेशक, पर्यावरण, विज्ञान एवं प्रौद्योगिकी विभाग, हि0 प्र0 यू0एस0कल्ब, शिमला-1
4. सदस्य सचिव, राज्य प्रदूषण नियन्त्रण बोर्ड, हि0प्र0 न्यू शिमला-9
5. समस्त विभागाध्यक्ष, हिमाचल प्रदेश।
6. प्रमुख अभियंता (लोक निर्माण) हिमाचल प्रदेश।
7. प्रमुख अभियंता (जल शक्ति) हिमाचल प्रदेश।
8. समस्त उपायुक्त, हिमाचल प्रदेश।
9. समस्त पुलिस अधीक्षक, हिमाचल प्रदेश।
10. निदेशक, उद्योग विभाग, हि0 प्र0, शिमला।
11. सहायक विधि परामर्शी एवं अवर सचिव (विधि) हिमाचल प्रदेश सरकार, शिमला-2
12. संरक्षण नस्ति।

(सतपाल धीमान)

अतिरिक्त सचिव (पर्यावरण, विज्ञान एवं प्रौद्योगिकी)

हिमाचल प्रदेश सरकार

दूरभाष संख्या: 0177-2621874