

No. 2484

Date: 7/10/2022

To

Registrar General
National Green Tribunal
New Delhi

Sub : Report of the Joint Committee in the matter of Original Application No. 362/ 2022 titles Aravali Bachao Citizens Movement Vs. Union of India & Ors

Hon'ble National Green Tribunal has passed an order on 23.05.2022 in the O.A. No. 362/2022. The operative part of the order is as under:-

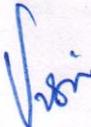
"...in view of the allegation of illegal mining in 16 locations it would be appropriate to seek factual verification report. Accordingly, we constitute a joint committee of representatives of MoEF&CC, CPCB, State PCB, Principal Chief Conservator of Forest(HoFF), Director, Mining and Geology, Director General of Police and Commissioner, Gurgaon Division, Government of Haryana and direct the joint committee to meet within four weeks and undertake site visits including visits to all 16 locations for ascertaining whether any illegal mining has been done in the area; weather such mining has been done before or after prohibition orders; what is the quantum of such mining in magnitude of the loss cost to the environment as well as the state exchequer .The State PCB will be the nodal agency for coordination and compliance. Report may be furnished within 3 months 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..."

In compliance of Hon'ble NGT's order, a Joint Committee was constituted by Member Secretary, Haryana State Pollution Control Board vide order dated 07.07.2022. The committee undertook the field visits to all the 16 sites listed in the Original Application and has prepared the report accordingly. The report based on the observations of the Joint Committee is attached herewith for consideration and may be taken on record by Hon'ble National Green Tribunal.

The annexure to the report are large in size since they also include drone images of the sites and satellite images of site at different points in time as accessed from Google Earth. These annexure could not be e-mailed due to large size and are being sent through Google Drive. The link to these annexure is as under

<https://drive.google.com/drive/folders/1DI2lu-im1UpZsVroQfo72s7Wh7ue7a3?usp=sharing>

Encl. as above

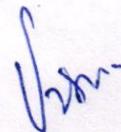
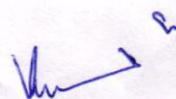

Vasvi Tyagi
Chief Conservator of Forests (South Circle)
Gurugram

Report in Original Application No. 362/ 2022 in the matter of Aravali Bachao Citizens Movement Vs. Union of India & Ors

In reference to matter cited above it is intimated that the applicant Aravali Bachao Citizens Movement in their application has submitted before the Hon'ble NGT that the applicant organization, after becoming aware that illegal Sand and Stone mining has been taking place in various locations of Aravali Range in the districts of Faridabad, Gurugram and Nuh in the State of Haryana in violation of various judicial orders and laws, have undertaken field visits during the period of March, 2021 to March, 2022 and during the site visit has found illegal mining is happening in 16 location and has prayed that respondent no 2-6 be directed to take steps to stop illegal sand and stone mining in the locations mentioned in the applications along with other areas where mining is taking place. The applicant has prayed for direction by NGT to respondent no 2, 4 and 6 to undertake restoration activities in the above mentioned area and plantation of native species in the region and any other action required. The applicant has further prayed that the NGT may direct the State Government to take strict action against the responsible officials who failed to take steps to stop illegal mining of sand and stone and impose appropriate fine and penalty and constitute an independent Aravali protection authority which looks at the protection of the entire Aravali range across the 4 states as one ecosystem and takes action to protect it from further degradation and to pass any other order that may deem fit to the facts and circumstances of the instant case.

2. The Hon'ble NGT on dated 23.05.2022 while hearing the grievances in the application against illegal mining of sand and stone had directed that:-

"...in view of the allegation of illegal mining in 16 locations it would be appropriate to seek factual verification report. Accordingly, we constitute a joint committee of representatives of MoEF&CC, CPCB, State PCB, Principal Chief Conservator of Forest(HoFF), Director, Mining and Geology, Director General of Police and Commissioner, Gurgaon Division, Government of Haryana and direct the joint committee to meet within four weeks and undertake site visits including visits to all 16 locations for ascertaining whether any illegal mining has been done in the area; whether such mining has been done before or after prohibition orders; what is the quantum of such mining in magnitude of the loss cost to the environment as well as the state exchequer. The State PCB will be the nodal agency for coordination and compliance. Report may be furnished within 3 months 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..."

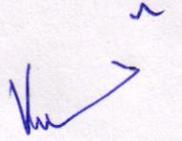
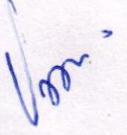
3. In compliance of Hon'ble NGT's order, a Joint Committee of the following officers was constituted vide order dated 07.07.2022 of the Member Secretary, Haryana State Pollution Control Board.

S.N.	Name of officer	Department	Designation in the Committee
1	Vasvi Tyagi, IFS, Chief Conservator Forests	Forest Department, Haryana	Chairperson
2	Kulwinder Singh, IPS. Joint CP, Gurugram	Police Department, Haryana	Member
3	V.K. Meena, IAS	ADC, Gurugram	Member
4	KK Garg, Scientist 'C'	MOEF&CC	Member
5	Sunil, Director	CPCB, RD, Chandigarh	Member
6	Anil Kumar, Mining Officer, Gurugram	Mines and Geology Department, Haryana	Member
7	Balram, Mining Officer, Faridabad	Mines and Geology Department, Haryana	Member
8	Kuldeep Singh, Regional Officer, Gurugram North	HSPCB	Member Convener

4. The committee held its first meeting on dated 11.07.2022. The committee deliberated on the issue preparation official report factual report to be submitted before the Hon'ble National Green Tribunal. In the deliberation of the committee it was decided that there are number of statutes which regulate the area covered by Aravalis which are enforced by different departments. Therefore, the concerned departments viz. Forest, Mining & Geology, Police and State Pollution Control Board shall submit reports on the action taken by their respective department on the mining incidence at the 16 locations mentioned in the Original Application.
5. It is worthwhile to mention that mining matters pertaining to Aravali Hill range in Haryana are pending consideration before Hon'ble Supreme Court of India. In this regard Hon'ble Supreme Court has passed various prohibitory orders from time to time. Copy of relevant orders that is order dated 06.05.2002, order dated 16.12.2002 and order dated 08.05.2009 are placed at **Annexure VI**.
6. At some locations extraction of ordinary clay was also observed by the Committee. Extraction of ordinary clay is regulated and Short Term Permits (STP) are issued by Mining department in accordance with guidelines issued by the Director, Mines and

Geology vide memo no. GLG/HY/Ord. Clay/STP dated 09.01.2007 (**Annexure VII**).
Extraction of clay without valid STP is illegal.

7. The joint committee also undertook field visits of the sites on 15.07.2022 and 06.08.2022. All 16 locations were visited by the joint committee to assess the extent of illegal mining and consequent environment degradation and loss to the State exchequer. Another meeting of the committee was held on 07.09.2022 for compilation of report.
8. Status Report with respect to site inspection by the joint committee of 16 locations is as under:-



The joint committee visited all the sites and the observation of the committee are as under-

Sr. No	Location of Site	GPS Coordinates	Date of Site Visit	Applicable Prohibitory Orders	Whether Mining done before or after prohibition orders	Signs of Mining on the date of field visit	Quantum of mining*	Cost to exchequer**	Remarks
1	Pandala Hills near Gairatpur Bas Village (in front of Rathee Cafe)	28.332487, 76.984989	15.07.2022	Order dated 16.12.2002	After prohibition orders	No fresh signs found of the mining.	756 MT	45,300 (Royalty @ Rs. 60/- Per MT)	Illegal Mining in violation of Prohibitory order
2	Pandala Hills near Gairatpur Bas Village (behind Rathee Café & Jungle Cafe)	28.404198, 77.173108	15.07.2022	Order dated 16.12.2002	After prohibition orders	Some tractor tracks were noticed	864 MT	51,840 (Royalty @ Rs. 60/- per MT)	Illegal Mining in violation of Prohibitory order
3	Aravalli area near Tikli Village (Ansal Retreat area)	28.309623, 77.000607	15.07.2022	Order dated 16.12.2002	Before and after prohibition orders	Some tractor tracks were noticed	289 MT	28,900/- (royalty @ 100/- Per MT)	Illegal Mining in violation of Prohibitory order
4	Aravalli near Jalalpur Sohna Village close to ITC Grand Bharat hotel (location 1& 2 in the same area)	28.297888, 77.00233	15.07.2022	Order dated 16.12.2002	Before and after prohibition orders	Signs of excavation with machinery and tractor tracks were noticed	871 MT	43,550/- (royalty @ 50/- Per MT)	Illegal Mining in violation of Prohibitory order

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Sr. No	Location of Site	GPS Coordinates	Date of Site Visit	Applicable Prohibitory Orders	Whether Mining done before or after prohibition orders	Signs of Mining on the date of field visit	Quantum of mining*	Cost to exchequer**	Remarks
5	Aravalli near Kota Khandewla Village near Manesar Police Lines Complex	28.326132, 76.973253	15.07.2022	No Prohibitory Orders as is applicable on extraction of clay.	Stone mining lease was operational in village Kota Khandewala in period before prohibitory orders dated 16.12.2002 Extraction of ordinary clay without required necessary permission (STP) from the Mining Department	Yes	1980 MT	6,930 (royalty @ 3.50/- Per MT	Extraction of ordinary clay without required necessary permission (STP) from the Mining Department

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Sr. No	Location of Site	GPS Coordinates	Date of Site Visit	Applicable Prohibitory Orders	Whether Mining done before or after prohibition orders	Signs of Mining on the date of field visit	Quantum of mining*	Cost to exchequer*	Remarks
6	Sand mining location-1 near Manesar Police Lines Complex	28.333309, 76.974744	15.07.2022	No Prohibitory Orders as mention in para 5 is applicable	No illegal Mining	No	---	--	A STP was granted vide Permit No. 3844 dt. 01.02.2022 to 15.03.2022 in Private Land of village Bar Gujjar Tehsil Manesar, GGN after deposit of the royalty of Rs. 29150/-.
7	Sand mining location-2 near Manesar Police Lines Complex	28.326116, 76.973234	15.07.2022	No Prohibitory Orders as mention in para 5 is applicable	After prohibition orders	There were signs of lifting of sand/ earth	---	--	Ord. earth has been extracted without necessary permission (STP) from the Mining Department.

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Sr. No	Location of Site	GPS Coordinates	Date of Site Visit	Applicable Prohibitory Orders	Whether Mining done before or after prohibition orders	Signs of Mining on the date of field visit	Quantum of mining*	Cost to exchequer*	Remarks
8	Sand mining location-3 ahead of Manesar Police Lines Complex on the same side of Tauru road	28.350935, 76.994209	15.07.2022	No Prohibitory Orders as mention in para 5 is applicable	No illegal mining found	No	---	-----	A STP was granted vide Permit No. 3957 dt. 17.03.2022 to 15.04.2022 in Private Land of village Bar Gujjar Tehsil Manesar, GGN after deposit of the royalty of Rs. 15765/-.
9	Aravalli hills near Tauru Police Station Tauru block	28.218806, 76.995616	06.08.2022	Order dated 16.12.2002	After prohibition orders	No	1017 MT	Rs.50,850/- (royalty @Rs 50/- per MT)	Illegal Mining in violation of Prohibitory order

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Sr. No	Location of Site	GPS Coordinates	Date of Site Visit	Applicable Prohibitory Orders	Whether Mining done before or after prohibition orders	Signs of Mining on the date of field visit	Quantum of mining*	Cost to exchequer*	Remarks
10	Aravalli hills near Bissar Akbarpur Vill. Tauru block	28.303038, 76.912626	06.08.2022	No Prohibitory Orders as mention in para 5 is applicable	Stone mining lease was operational in village Bissar Akbarpur in period before prohibitory orders dated 16.12.2002 Extraction of ordinary clay without required necessary permission (STP) from the Mining Department	--	15750 MT (Ord. Earth)	55,125 Royalty @ Rs. 3.50/-	Extraction of ordinary clay without required necessary permission (STP) from the Mining Department

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Sr. No	Location of Site	GPS Coordinates	Date of Site Visit	Applicable Prohibitory Orders	Whether Mining done before or after prohibition orders	Signs of Mining on the date of field visit	Quantum of mining*	Cost to exchequer*	Remarks
11	Aravalli hills near Palla Village in Nuh Block (a) illegal stone mining location	28.119195, 76.990408	06.08.2022	Order dated 16.12.2002	Before and after prohibition orders Mining lease was operational in village Palla in period before prohibitory order	Yes	3618 MT (stone)	1,80,900/- royalty @ Rs.50/- per MT	Illegal Mining in violation of Prohibitory order
11 (b)	(b) illegal sand mining location	28.119815, 76.978168	06.08.2022	No Prohibitory Orders as mention in para 5 is applicable	Extraction of ordinary clay without required necessary permission (STP) from the Mining Department	Yes	13500 MT (Ord. earth)	31,500 royalty @ Rs. 3.50/- per MT	Ord. earth has been extracted without necessary permission (STP) from the Mining Department

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Sr. No	Location of Site	GPS Coordinates	Date of Site Visit	Applicable Prohibitory Orders	Whether Mining done before or after prohibition orders	Signs of Mining on the date of field visit	Quantum of mining*	Cost to exchequer*	Remarks
12	Aravalli hills near Meoli village in Nuh block	28.05214, 76.9608	06.08.2022	Order dated 16.12.2002	After prohibition orders	No	63 MT	3155/- royalty @ Rs. 50/- per MT	Sand/ Ord. earth has been lifted without necessary permission (STP) from the Mining Department. It is case of extension of field. Field has been extended by removal of ord. clay/ malba
13	Aravalli hills near Hirwari Bamatheri village in Ferozepur Jhirka block	27.774321, 77.013061	06.08.2022	Order dated 16.12.2002	Before and after prohibition orders	No	3240 MT stone	162500/- royalty @ Rs. 50/- per MT	Illegal Mining in violation of Prohibitory order

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Sr. No	Location of Site	GPS Coordinates	Date of Site Visit	Applicable Prohibitory Orders	Whether Mining done before or after prohibition orders	Signs of Mining on the date of field visit	Quantum of mining*	Cost to exchequer*	Remarks
14	Aravalli hills near Bhagola village in Ferozepur Jhirka block	27.7733, 77.012508	06.08.2022	Order dated 16.12.2002	Before and after prohibition orders	No	100 m3 stone	Rs 5000/- (royalty @ Rs. 50/- per MT)	Illegal Mining in violation of Prohibitory order
15	Aravalli near Bharadwaj lake area	28.447075, 77.2500638 9	06.08.2022	Order dated 06.05.2002	The Area was under mining lease since 16.01.1984 to 06.05.2002 period before prohibitory orders Currently there is no mining activity in the area.	No	---	Nil	No Illegal Mining in violation of Prohibitory order

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Sr. No	Location of Site	GPS Coordinates	Date of Site Visit	Applicable Prohibitory Orders	Whether Mining done before or after prohibition orders	Signs of Mining on the date of field visit	Quantum of mining*	Cost to exchequer*	Remarks
16	Aravalli near Kot village in Dhauj area	28.32493, 77.1741527 8	06.08.2022	Order dated 08.05.2009	This area was under mining lease under 06.02.2002 to 05.02.2009 period before prohibitory orders. Currently there is no mining activity in the area.	No	--	Nil	Mining lease was operational in this area between 06.02.2002 to 05.02.2009,,

*Assessment by Mines & Geology Department in their report

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The Committee's observation is that as per the list provided by the applicant there are instances mining activity despite prohibition orders against any mining related activity as directed by Hon'ble Supreme Court. The Committee has also observed that at some sites trenches were formed due to excavating the materials and at some sites shaving of bushes and plantation was also noticed. However, the magnitude of environment loss for such degradation could not be assessed due to non-existence of standard formulae or practice.

The drone images of all sites visited are placed at **Annexure I** for reference. The images display the extent of excavation done at the sites. Satellite Images of the sites at different points in time as accessed from "Google Earth" are placed at **Annexure II** for reference. These images display the progression/extent of mining activities at these sites with time.

Mining, Forest and Police Departments have submitted that they have been vigilant and have taken appropriate action against the violators as per the rules. The Action Taken Report of Mining department on the 16 locations is placed at **Annexure III**. At two locations permit for lifting ordinary earth has been issued by the concerned authority. At 4 locations, ordinary earth has been lifted without necessary permission from the concerned authority. The action taken report of police department on the aforesaid location is placed at **Annexure IV**. The Action Taken report of Forest department is placed at **Annexure V**.

The report is placed before Hon'ble National Green Tribunal for consideration.

Mrs Vasvi Tyagi, IFS,
Chief Conservator Forests
Forest Department, Haryana

Sh. Kulwinder Singh, IPS.
Joint CP, Gurugram
Police Department, Haryana

KK Garg,
MOEF&CC, Chandigarh

Sh. Suneel Dave *
Scientist 'F'
CPCB, Chandigarh

Sh. V.K. Meena, IAS
ADC, Gurugram

Sh. Kuldeep Singh,
Regional Officer, Gurugram North
HSPCB

Sh. Balram, Mining Officer, Faridabad
Mines and Geology Department, Haryana

Sh. Anil Kumar,
Mining Officer, Gurugram
Mines and Geology Department, Haryana

*The Report was discussed with and sent through email To Sh. Suneel Dave, Scientist 'F', CPCB for perusal and approval but the same has not been received till date

Location - 1 (Pandala hills near Gairatpur Bas)



Location- 2(Pandala hills near gairatpur
Bas village)



Location-3(Ansal retreat area, Kharak Jalalpur Village)



Location -4(Jalalpur Sohna village
Behind ITC Bharat Hotel



Location- 5&7(Kota Khandewla)



Location-10(Bissar Akbarpur)



Location -11A (Palla Village)



Location- 11B (sand mining Palla)



Location- 12(Meoli)



Location- 13(Bamantheri- Hirwadi)



Location-14 (Village Bhagola)



Loc 1 2004

Rathee Cafe

Annexure 2

 28.333748 76.995721

Google Earth

made © 2022 Maxar Technologies

30 m

Loc 1 2010

Rathee Cafe

 28.333748 76.995721

Google Earth

Image © 2022 Maxar Technologies

30 m

Loc 1 2015

Rathee Cafe

 28.333748 76.995721

Google Earth

Image © 2022 Maxar Technologies

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Loc 1 2020

Rathee Cafe

 28.333748 76.995721

Google Earth

Image © 2022 Maxar Technologies

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loc 1 2022

Rathee Cafe

28.333748 76.995721 location 1

Google Earth

Image © 2022 Maxar Technologies

30 m

loc 2 2004

Behind Jungle Cafe

28 20'0.932"N 76 59'45.139"E



Google Earth

Image © 2022 Maxar Technologies

30 m

loc 2 2010

Behind Jungle Cafe

28 20'0.932"N 76 59'45.139"E



Google Earth

Image © 2022 Maxar Technologies

30 m

loc 2 2015

Behind Jungle Cafe

28 20'0.932"N 76 59'45.139"E loc 2

Google Earth

Image © 2022 Maxar Technologies

30 m

loc 2 2020

Behind Jungle Cafe

28 20'0.932"N 76 59'45.139"E loc 2

Google Earth

Image © 2022 Maxar Technologies

30 m

loc 2 2022

Behind Jungle Cafe

28 20'0.932"N 76 59'45.139"E  loc 2

Google Earth

Image © 2022 Maxar Technologies

30 m

loc 3 2005

Kharak Gangani

28.309767 77.000086

Google Earth

Image © 2022 Maxar Technologies

40 m

loc 3 2010

Kharak Gangani

 28.309767 77.000086

Google Earth

Image © 2022 Maxar Technologies

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Kharak Gangani

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Image © 2022 Maxar Technologies

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loc 3 2020

Kharak Gangani

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Kharak Gangani

28.309767 77.000086

Google Earth

Image © 2022 Maxar Technologies

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loc 4 2005

Behind ITC Grand Bharat

28.297888 77.00233  loc 4

Google Earth

Image © 2022 Maxar Technologies



30 m

loc 4 2010

Behind ITC Grand Bharat

28.297888 77.00233  loc 4

Google Earth

Image © 2022 Maxar Technologies

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loc 4 2015

Behind ITC Grand Bharat

28.297888 77.00233  loc 4

Google Earth

Image © 2009 Maxar Technologies

30 m

loc 4 2020

Behind ITC Grand Bharat

28.297888 77.00233 loc 4

Google Earth

Image © 2022 Maxar Technologies

30 m

loc 4 2022

Behind ITC Grand Bharat

28.297888 77.00233  loc 4

Google Earth

Image © 2022 Maxar Technologies

30 m

loc 5 2006

Kota Khandewla

 28.325968 76.973016

Google Earth

Image © 2022 Maxar Technologies

 40 m

loc 5 2010

Kota Khandewla

28.325968 76.973016

Google Earth

Image © 2022 Maxar Technologies

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loc 5 2015

Kota Khandewla

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Google Earth

Image © 2022 Maxar Technologies

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loc 5 2020

Kota Khandewla

28.325968 76.973016

Google Earth

Image © 2022 Maxar Technologies

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loc 5 2022

Kota Khandewla

28.325968 76.973016

Google Earth

Image © 2022 Maxar Technologies

40 m

loc 6 2006

sand mining loc 1

 **loc 6**

Google Earth

Image © 2022 Maxar Technologies

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loc 6 2010

sand mining loc 1

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Google Earth

Image © 2022 Maxar Technologies

40 m

loc 6 2015

sand mining loc 1

loc 6

Google Earth

Image © 2022 Maxar Technologies

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loc 6 2020

sand mining loc 1

loc 6

Google Earth

Image © 2022 Maxar Technologies

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loc 6 2022

sand mining loc 1

loc 6

Google Earth

Image © 2022 Maxar Technologies

40 m



loc 7 2006

sand mining loc 2

28.325968 76.973016  loc 5

Google Earth

Image © 2022 Maxar Technologies

30 m

loc 7 2010
sand mining loc 2

28.325968 76.973016  loc 5

Google Earth

Image © 2022 Maxar Technologies



loc 7 2015

sand mining loc 2

28.325968 76.973016  loc 5

Google Earth

Image © 2022 Maxar Technologies

30 m

loc 7 2020
sand mining loc 2

28.325968 76.973016  loc 5

Google Earth

Image © 2022 Maxar Technologies

30 m

loc 7 2022

sand mining loc 2

28.325968 76.973016  loc 5

Google Earth

Image © 2022 Maxar Technologies

30 m

loc 8 2002

sand mining loc 3

3194 76.987206  loc 8

Google Earth

Image © 2022 Maxar Technologies

50 m

loc 8 2004

sand mining loc 3

8194 76.987206  loc 8

Google Earth

Image © 2022 Maxar Technologies

50 m

loc 8 2010

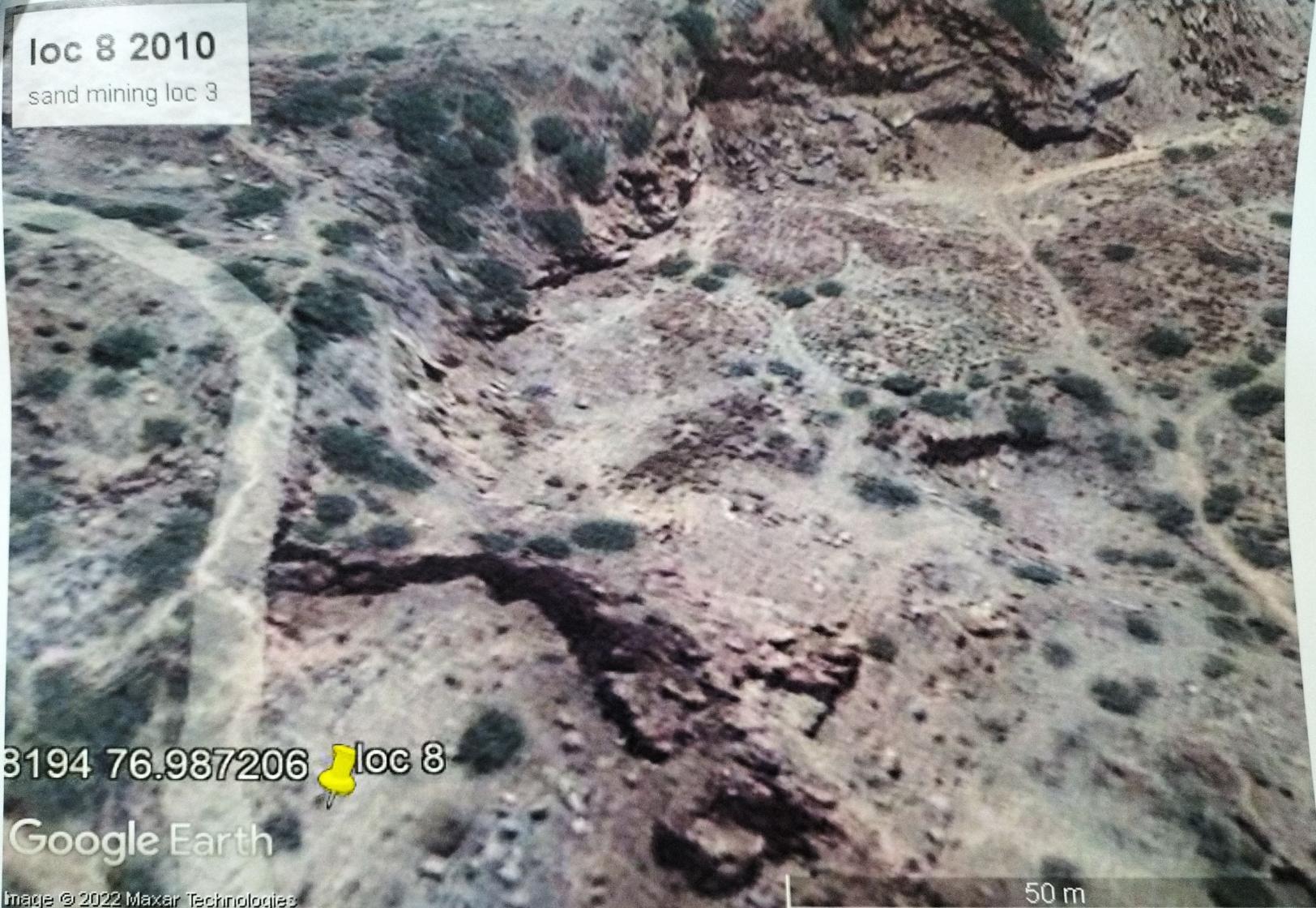
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Google Earth

Image © 2022 Maxar Technologies

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loc 8 2015

sand mining loc 3

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Google Earth

Image © 2022 Maxar Technologies

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sand mining loc 3

3194 76.987206  loc 8

Google Earth

Image © 2022 Maxar Technologies

50 m

loc 8 2022

sand mining loc 3

8194 76.987206  loc 8

Google Earth

Image © 2022 Maxar Technologies

50 m

loc 10 2005

bissar akbarpur

 28.3067 76.942631

Google Earth

Image © 2022 Maxar Technologies

60 m

loc 10 2010

bissar akbarpur

28.3067 76.942631

Google Earth

Image © 2022 Maxar Technologies

60 m

loc 10 2015

bissar akbarpur

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Google Earth

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Google Earth

Image © 2022 Maxar Technologies

60 m

loc 11 2005

palla stone mining

28 7'20.528" 76 58'6.637"  loc 11

Google Earth

Image © 2022 Maxar Technologies

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loc 11 2010

palla stone mining

28 7'20.528" 76 58'6.637" loc 11



Google Earth

Image © 2022 Maxar Technologies

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loc 11 2015

palla stone mining

28 7'20.528" 76 58'6.637" loc 11

Google Earth

Image © 2022 Maxar Technologies

50 m

loc 11 2019

palla stone mining

28 7'20.528" 76 58'6.637" loc 11

Google Earth

50 m

Image © 2022 Maxar Technologies

loc 11 2022

palla stone mining

28 7'20.528" 76 58'6.637"  loc 11

Google Earth

Image © 2022 Maxar Technologies

50 m

loc 11(a) 2005

palla sand mining

28 7'21.854" 76 58'20.935"  11(a)

Google Earth

Image © 2022 Maxar Technologies

60 m

loc 11(a) 2010

palla sand mining

28 7'21.854" 76 58'20.935" 11(a)

Google Earth

Image © 2022 Maxar Technologies

60 m



loc 11(a) 2015

palla sand mining

28 7'21.854" 76 58'20.935"  11(a)

Google Earth

Image © 2022 Maxar Technologies

60 m

loc 11(a) 2019
palla sand mining

28 7'21.854" 76 58'20.935" 11(a)

Google Earth

Image © 2022 Maxar Technologies

60 m

loc 11(a) 2022

palla sand mining

28 7'21.854" 76 58'20.935"  11(a)

Google Earth

Image © 2022 Maxar Technologies

60 m

loc 12 2004

Meoli Village

28.05214 76.9608 loc 12

Google Earth

Image © 2022 Maxar Technologies

100 m

loc 12 2010

Meoli Village

28.05214 76.9608 loc 12

Google Earth

Image © 2022 Maxar Technologies

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loc 12 2015

Meoli Village

28.05214 76.9608  loc 12

Google Earth

Image © 2022 Maxar Technologies

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Meoli Village

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loc 12 2022

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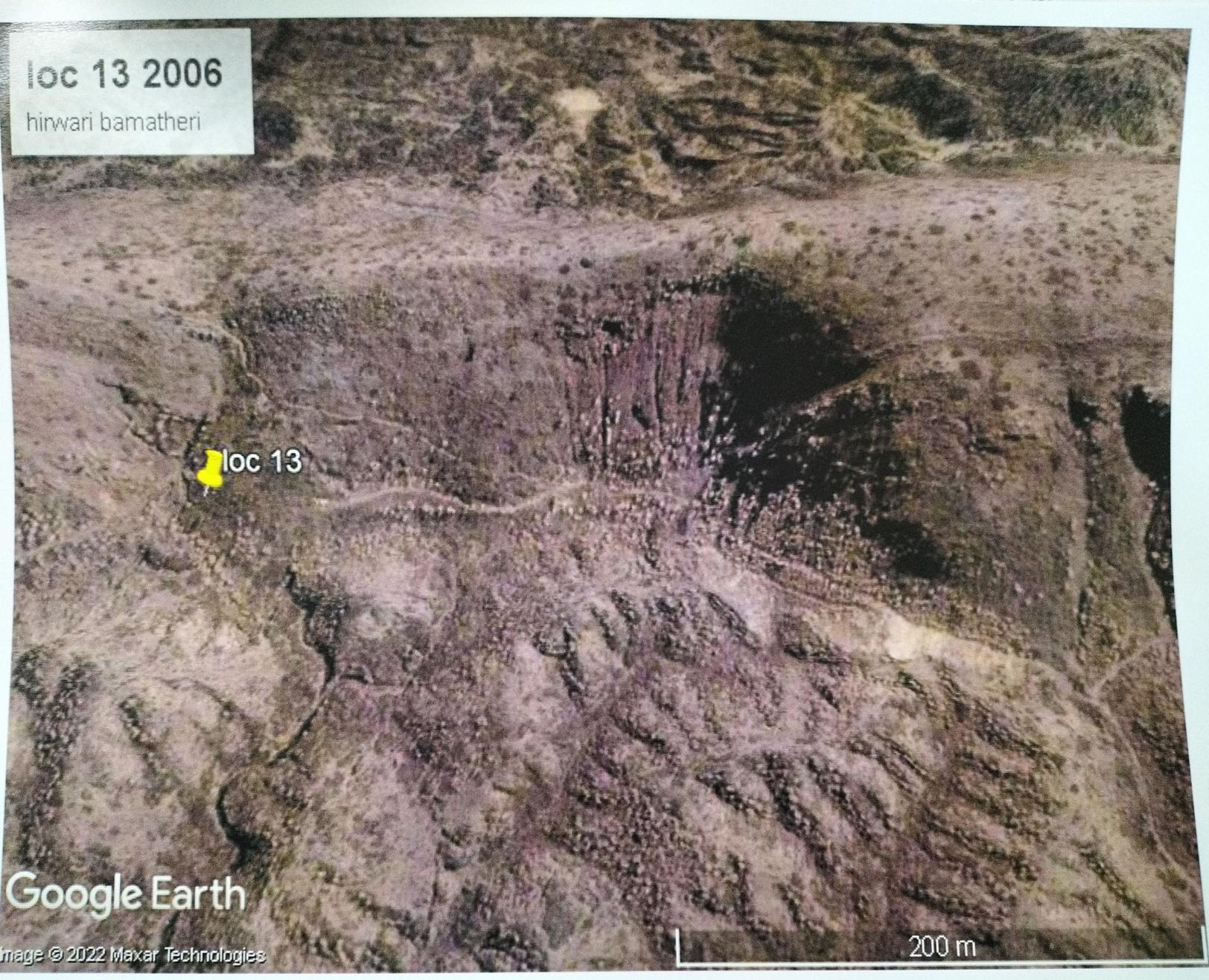
hirwari bamatheri

loc 13

Google Earth

Image © 2022 Maxar Technologies

200 m



loc 13 2011

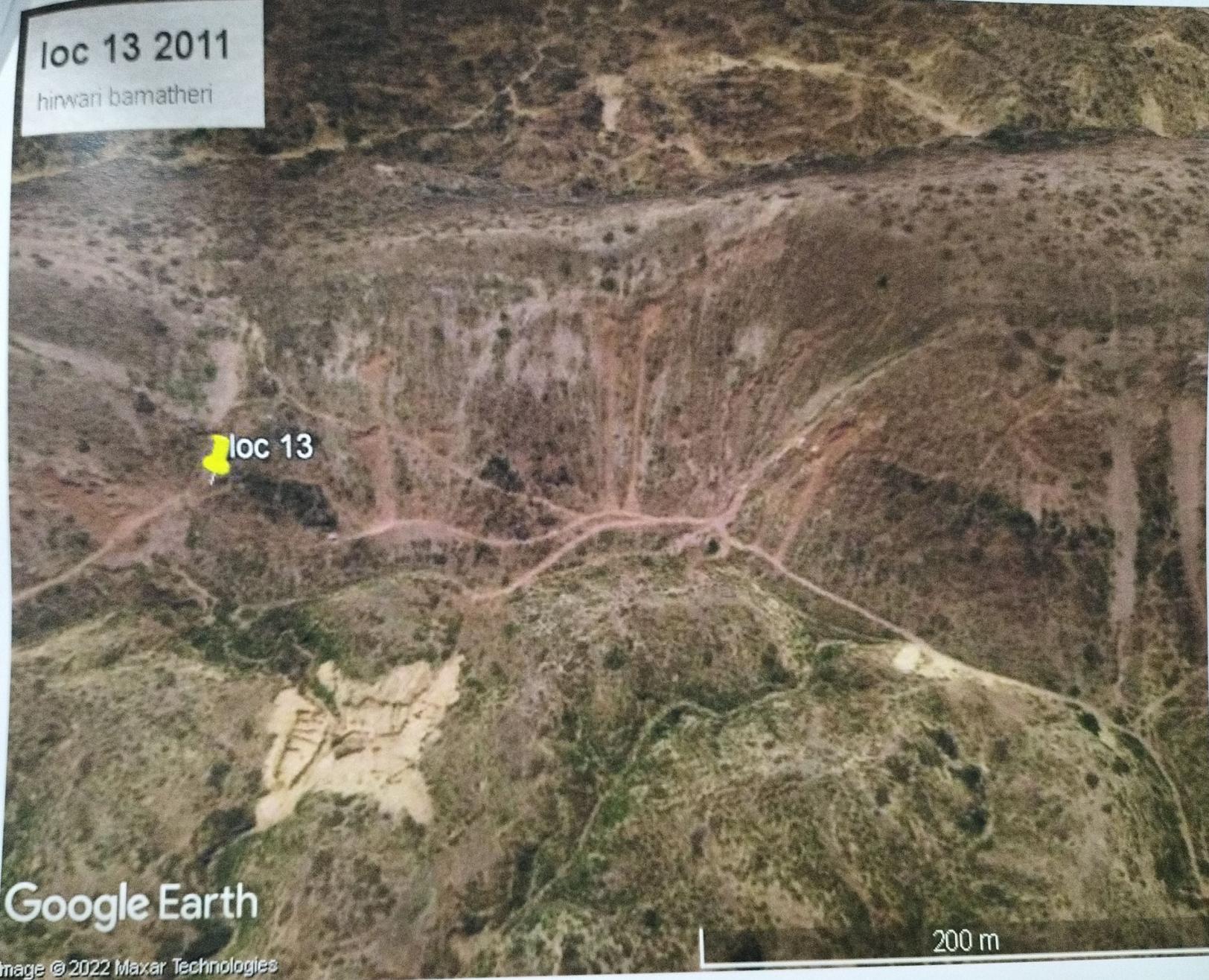
hinwari bamatheri

loc 13

Google Earth

Image © 2022 Maxar Technologies

200 m



loc 13 2016

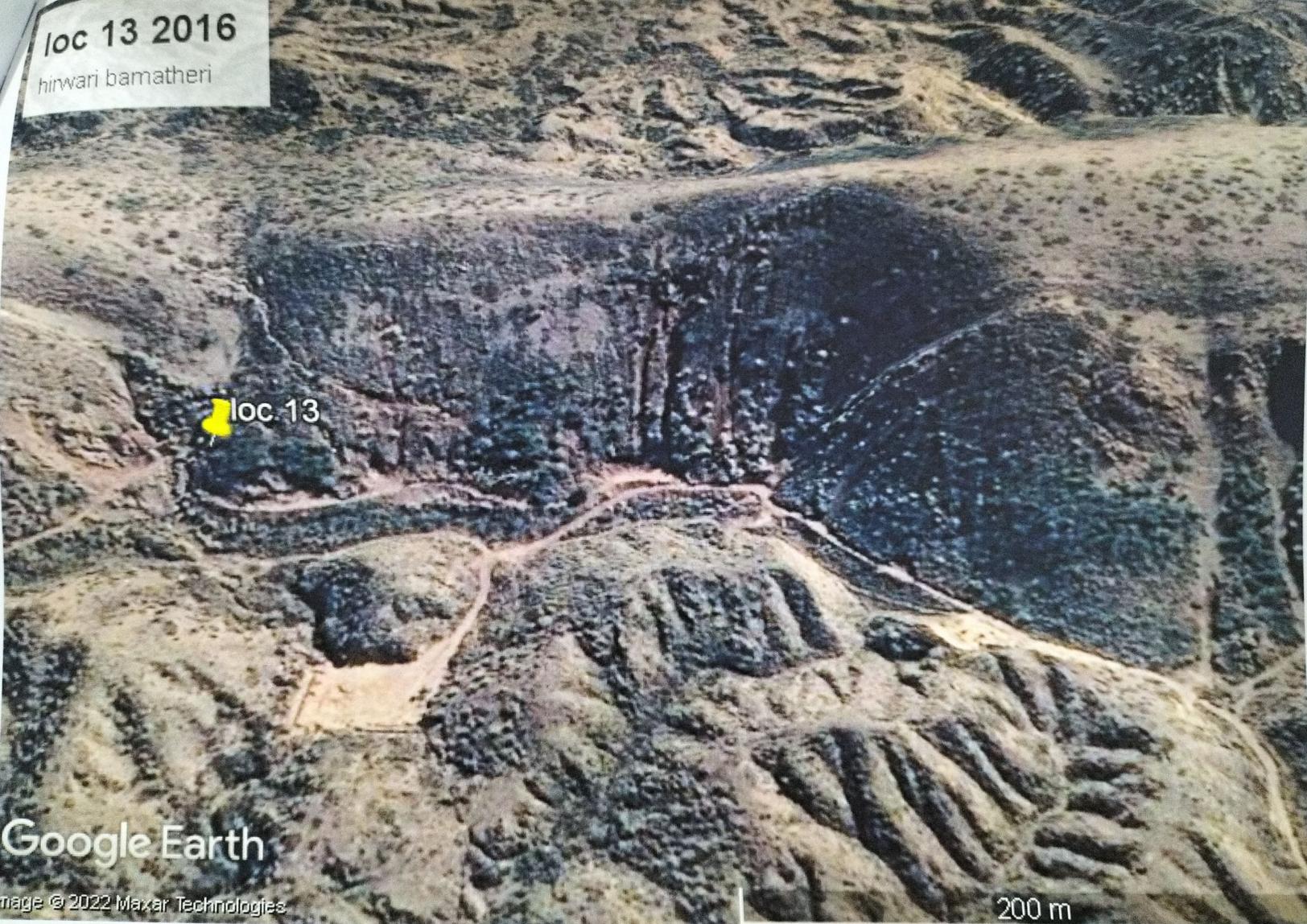
hirwari bamatheri

loc 13

Google Earth

Image © 2022 Maxar Technologies

200 m



loc 13 2020

hirwari bamatheri

loc 13

Google Earth

Image © 2022 Maxar Technologies

200 m



loc 14 2006

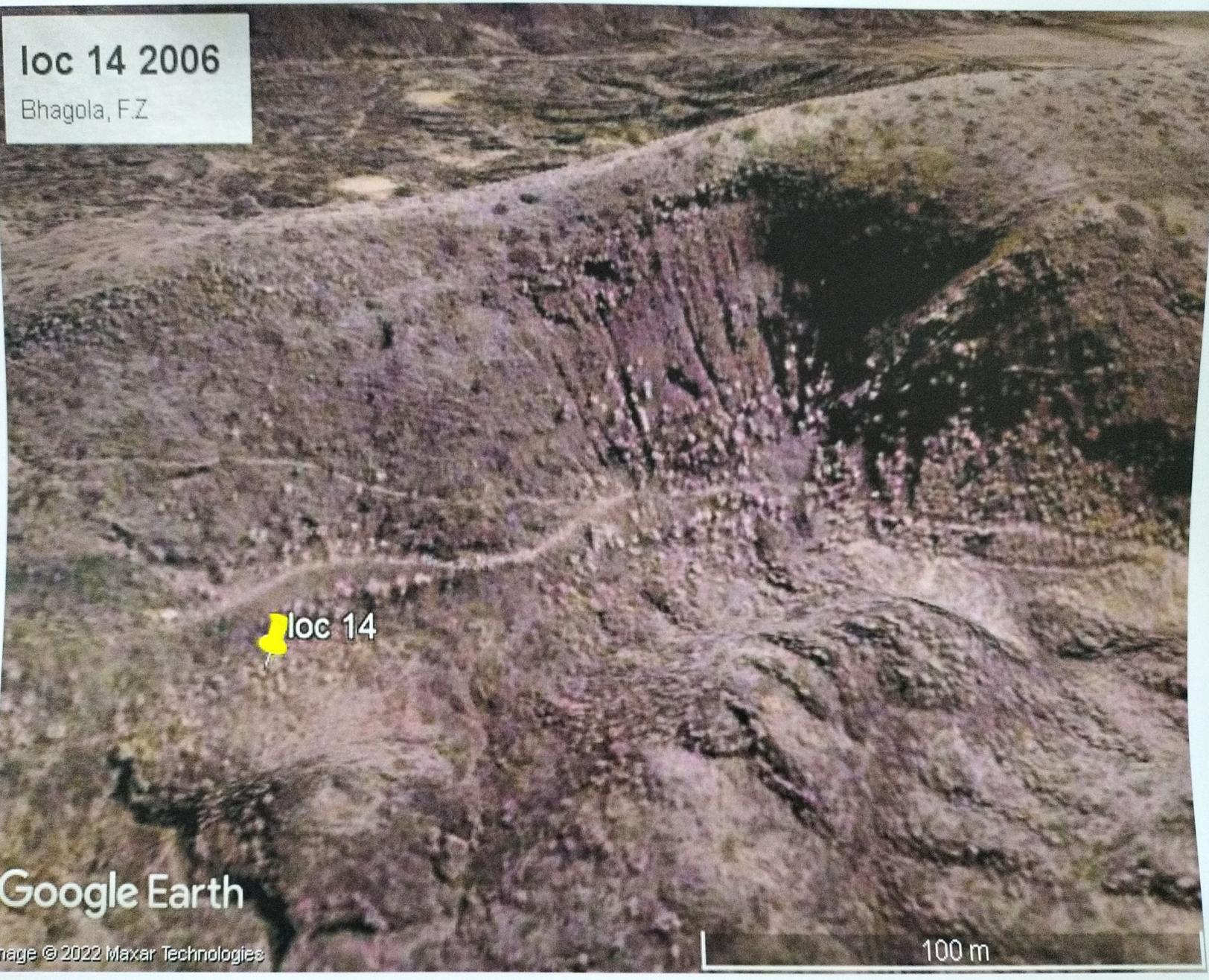
Bhagola, FZ

 **loc 14**

Google Earth

Image © 2022 Maxar Technologies

100 m



loc 14 2011

Bhagola, FZ

loc 14

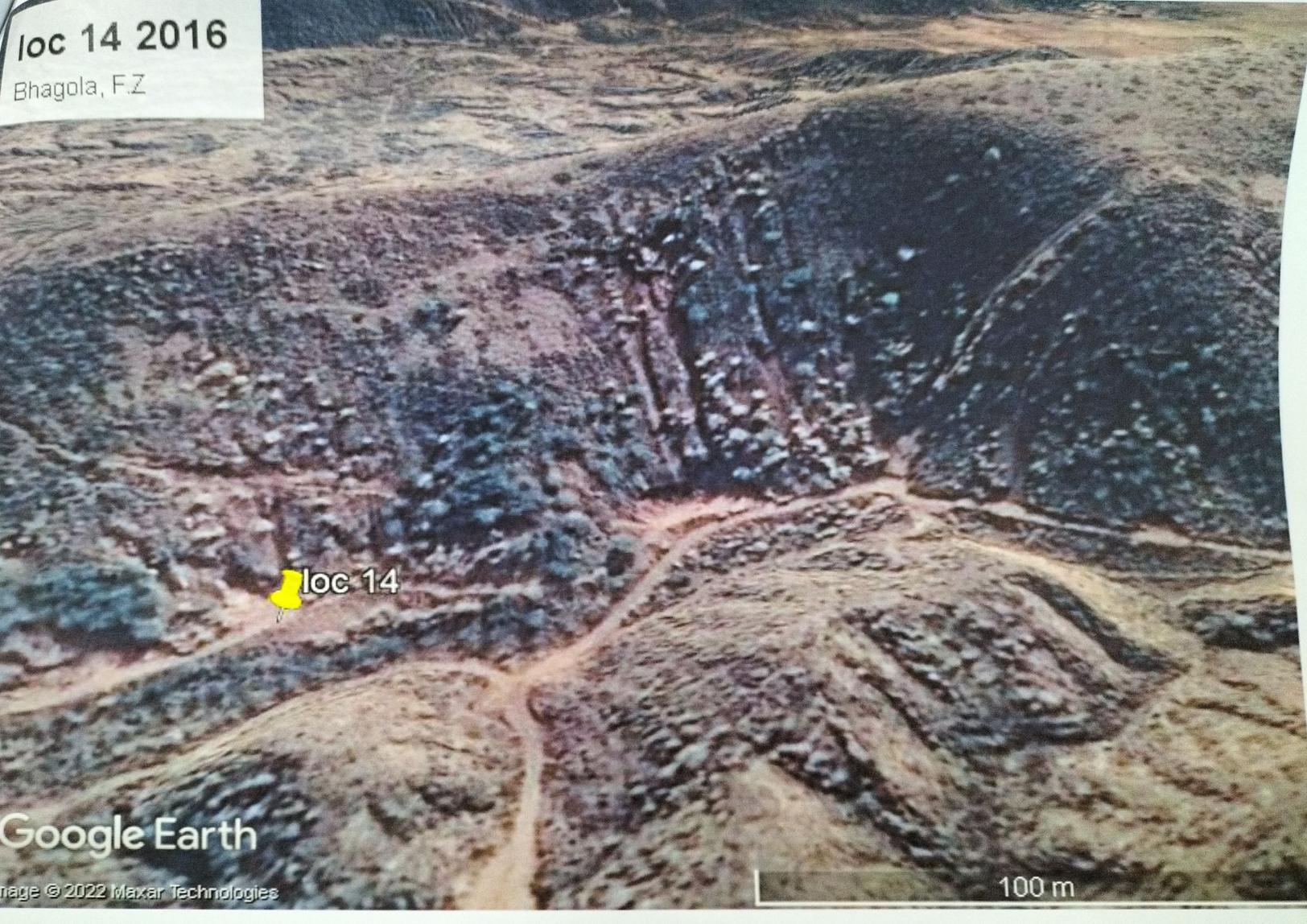
Google Earth

Image © 2022 Maxar Technologies

100 m



loc 14 2016
Bhagola, FZ



Google Earth

Image © 2022 Maxar Technologies

100 m

loc 14 2020

Bhagola, FZ

loc 14

Google Earth

Image © 2022 Maxar Technologies

100 m



Annexure 3

From

**The Mining Officer,
Department of Mines & Geology,
Gurugram.**

To

**Member Convener- cum – Regional Officer,
Gurugram (N) Haryana State Pollution Control Board,
Vikas Sadan Opposite- New Court, Gurugram**

Memo No. 1351

Dated : 17/8/2022

Subject :- Meeting to be held on 05.08.2022 at 05.00 PM under the Chairmanship of Mrs. Vasvi Tyagi , IFS Chief Conservator of Forest Gurugram in compliance of the direction in the matter of OA No. 362 dt. 2022 titled as Aravalli Bachao citizens movement V/s Union of India and otrs.

As desired revised Action Taken Report on the above said subject is hereby sent to you in prescribed performa . This is for your kind information.

el
Mining Officer
Deptt. of Mines & Geology,
Gurugram

Detail of action taken by mining department on the listed sites

Sr. No.	Location of site	Description	GPS Coordinates	Extent of Mining area	Whether such mining has been done before or after prohibition order	whether any fresh sign of mining	Quantum of mining	Loss to State Exchequer	Action taken by department	Remarks
1	Pandala hills near Gairatpur Bass Village Location 1, reached after walking up the hill in front of Rathee Café)	Villagers used to extract Masonary Stone / sand / Ord. Clay manually in the past for personal bonafide use for house construction etc. However, no commercial excavation have been noticed till date. The quality of stone is not like to be used in commercial purpose. It is a type of Stone malba which is used by local villagers for filling and domestic use.	28.332487, 76.984989	504 m ³	After	No	756 MT	Rs.45300/- (Royalty @ Rs. 60/- Per MT)	FIR No. 353 of 2017 in P.S. Badshapur against Tek Chand S/o Kewal Ram, Ajit S/o Ranbeer, Vinod S/o Jagdish R/o Pandala	Untraced on 01.09.2017

✗

2	Pandala hills near Gairatpur Bass Village Location 2, behind Rathee Café and Jungle Café	Villagers used to extract Masonry Stone / sand / Ord. Clay manually in the past for personal bonafide use for house construction etc. However, no commercial excavation have been noticed till date. The quality of stone is not like to be used in commercial purpose. It is a type of Stone malba which is used by local villagers for filling and domestic use.	28.404198, 77.173108	576 m3	After	No	864 MT	Rs.51840/- (Royalty @ Rs. 60/- per MT)	FIR NO. 132 dt. 21.03.2020 in P.S. Badshapur against Tek Chand S/o Kewal R/o Gairatpur Bass, Chorru S/o Bir Singh R/o Bargujjar	Two accused have been arrested in this FIR(Tekchand s/o Kewal and accused Todu s/o Bir Singh R/o Village Bargujjar PS Kherki Daula. Challan submitted in court next date of hearing 12.09.2022
									FIR No. 167/ 2022 in P.S. Badshapur against Vijay S/o Harchand , Subey S/o Kewal R/o Pandala	Two accused have been arrested in this FIR(vijay s/o Harchand and Sube s/o Kewal r/o Village Gairatpurbas Pandala, Gurugram. Under Investigation
									FIR No. 242/2022 in P.S. Badshapur against Ajeet Urf Khalli S/o Ranbeer, Shoraj S/o Jai chand, Tek Chand S/o Kewal Ram R/o Pandala , Sanjay S/o dhana R/o Khera Dhani	No accused has been arrested. Case under investigation.
									Vehicle no. HR 55T- 4647 seized in P.S. Badshapur on dt. 28.07.2017	Rs. 90000/- has been recovered as penalty of 150 MT stone
									Vehicle No. HR 47 C- 0100 seized in P.S. Badshapur on dt. 13.09.2020	Rs. 343450/- has been recovered as penalty of 45 MT stone & Environment compensation

3	Aravali area near Tikli Village (Ansal Retreat Area)	It is pertinent to mention here that in village Jalalpur Sohna mining lease was operated by Lal Chand S/o Lekh Ram up to 06.07.2001 & Ravinder Kumar Makkar S/o Sh. Amir Chand Makkar. Thereafter, local villagers used to extract sand/ silica sand	28.309623, 77.000607	193 m3	Before & After	No	289 MT	Rs.28900/- (royalty @ 100/- Per MT	An FIR was lodged (FR no. 133 dt. 18.03.2022 in P.S Sadar Tauru) against HYWA No. HR 55AJ- 0676, JCB No. HAR 3DXXTL02719151 & Three persons namely Tak Chand S/o Kewal , JCB operator and HYWA Driver	Two accused have been arrested in this FIR (Tekchand s/o Kewal, Irshad s/o Sher mohammad r/o gairatpur bas Pandala, Badshahpur gurugram challan has been submitted in the court on dt. 19.04.2022.
4	Aravalis near Jalalpur Sohna Village, close to ITC Grand Bharat Hotel in manesar (Location -1) Location 2 in the same area	It is pertinent to mention here that in village Jalalpur Sohna mining lease was operated by Lal Chand S/o Lekh Ram up to 06.07.2001 & Ravinder Kumar Makkar S/o Sh. Amir Chand Makkar. Thereafter, local villagers used to extract sand/ silica sand	28.297888, 77.00233 & 28.300366 77.002921	581 m3	Before & After	Yes	871 MT	Rs.43550/- (royalty @ 50/- Per MT	An FIR was (FIR no. 320 dt 23.10.2020 in P.S Sadar Tauru) lodged against unknown persons. Another complaint was lodged in P.S. Sadar Tauru agaisnt Aarif S/o Asian, Talim S/o Harun , Abbar S/o Ibrish R/o Kharak Jalalpur (FIR not registered)	Untraced on 31.12.2020
5	Aravalis near Kota Khandewla village near Manesar Police Lines Complex	The coordinates found in Panchayti land of village Kota Khandewla. Theft of ordinary earth has been done by local villagers since many years. Various FIR and complaints have been lodged in concerned Police Stations.	28.326132, 76.97353	1320 sq. mtrs Ord. earth	Before & After	No	1980 MT	Rs.6930/- (royalty @ 3.50/- Per MT	An FIR (FIR no. 215 dt. 22.06.2018)lodged against Pawan S/o Nand Lal, Anoop S/o DC R/o Kota Khandewla	Two accused have been arrested in this FIR (Pawan S/o Nand Lal, Anoop S/o DC R/o Kota Khandewla, Tauru). Challan has been submitted in the court, next date of hearing on dt. 06.09.2022.

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		An FIR was lodged (FIR No. 33 dt. 19.01.2020) against Pardeep and Sandeep Urf Kalla S/o Abban, Annar S/o Yaad Ram R/o Kota Khandewala who were involved in illegal mining .	Challan has been submitted in the court on dt. 15.01.2021.
		An FIR was lodged (FIR No. 51 dt 30.01.2020) against Lalit S/o Jaswant, Satpal S/o Shivdayal R/o Bar Gujjar who were Involved in theft of stone.	two accused have been arrested in this FIR Lalit S/o Jaswant, Satpal S/o Shivdayal R/o Bar Gujjar. Challan has been submitted in the court on dt. 15.09.2020
		vehilce No. HR 55N- 8275 seized in P.S. Tauru in dt. 19.08.2020	Rs. 246000/- recovered as penalty & Environment compensation
		Vehicle No. HR 74A- 9440 seized in P.S. Tauru in dt. 10.10.2019	Rs. 232000/- recovered as penalty & Environment compensation

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		<p>It is pertinent to mention here that in village kota khandwala mining lease was operated by PCL mineral before ban order of Hon'ble Supreme Court of dt. 16.12.2002</p> <p>Theft of Ord. clay by local villagers for domestic last since many years</p>	
<p>6 Sand Mining location 1 near Manesar Police Lines Complex</p>	<p>The coordinates found in Village Bar Gujjar. A permission was granted vide Permit No. 3844 dt. 01.02.2022 to 15.03.2022 in Private Land of village Bar gujar Tehsil Manesar, GGN after deposited the royalty Rs. 29150/. Copy of permit is attached.</p>	<p>No illegal mining</p>	
<p>7 Sand Mining Location 2 near Manesar Police Lines Complex</p>	<p>The coordinates found in Panchayti land of village Kota Khandewla. Theft of ordinary earth has been done by local villagers since many years. Various FIR and complaints have been lodged in concerned Police Stations. The coordinates of this location is nearby to the location of point no. 5. Theft of ordinary earth was noted.</p>	<p>An FIR (FIR no. 215 dt. 22.06.2018)lodged against Pawan S/o Nand Lal, Anoop S/o DC R/o Kota Khandewla</p>	<p>Two accused have been arrested in this FIR (Pawan S/o Nand Lal, Anoop S/o DC R/o Kota Khandewla, Tauru). Challan has been submitted in the court, next date of hearing on dt. 06.09.2022.</p>

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					An FIR was lodged (FIR No. 33 dt. 19.01.2020) against Pardeep and Sandeep Urf Kalla S/o Abban, Annar S/o Yaad Ram R/o Kota Khandewala who were involved in illegal mining.	Challan has been submitted in the court on dt. 15.01.2021.
					An FIR was lodged (FIR No. 51 dt 30.01.2020) against Lalit S/o Jaswant, Satpal S/o Shivdayal R/o Bar Gujjar who were Involved in theft of stone.	two accused have been arrested in this FIR Lalit S/o Jaswant, Satpal S/o Shivdayal R/o Bar Gujjar. Challan has been submitted in the court on dt. 15.09.2020
					vehilce No. HR 55N- 8275 seized in P.S. Tauru in dt. 19.08.2020	Rs. 246000/- recovered as penalty & Environment compensation
					Vehicle No. HR 74A- 9440 seized in P.S. Tauru in dt. 10.10.2019	Rs. 232000/- recovered as penalty & Environment compensation

KH

				<p>It is pertinent to mention here that in village kota Khandwala mining lease was operated by PCL mineral before ban order of Hon'ble Supreme Court of dt. 16.12.2002 Theft of Ord. clay by local villagers for domestic last since many years</p>
<p>8 Sand Mining location 3 ahead of Manesar Police Lines Complex on same side of the road going to Tauru</p>	<p>The coordinates found in Village Bar Gujjar near the location of point no. 6. A permission was granted vide Permit No. 3957 dt. 17.03.2022 to 15.04.2022 in Private Land of village Bar gujjar Tehsil Manesar, GGN after deposited the royalty Rs. 15765/- . Copy of permit is attached .</p>	<p>28.350935, 76.994209</p>	<p>No illegal mining was found</p>	<p></p>

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9	Aravalli hills near Tauru Police station, Tauru block	The coordinates found at KMP Expressway but the nearby mining was found in gair mumkin pahar of Dhulawat. It is pertinent to mention here that in village Dhulawat mining lease was operated by M/S Gurgaon Sohna mineral, 191, Model town Gurgaon before ban order of Hon'ble Supreme Court of dt. 16.12.2002. Theft of stone has been done by local villagers since many years. Various FIRs and complaints have been lodged in concerned Police stations.	28.218806, 76.995616	678 m3	After	Yes	1017 MT	Rs. 50850/- (Royalty @Rs 50 per MT)	An FIR was lodged (FIR no. 151 dt 20.06.2021) against subin @subbi s/o hanif, hakam s/o ahmed r/o ghuspethi, mustak s/o guljar, arshad s/o guljar, wahid s/o ayuf r/o malaka, satish s/o narayan r/o alipur P.S. Bhondsi, sabir khan s/o firoz khan r/o sancholi P.S. Sadar sohna	Seven accused have been arrested (subin @subbi s/o hanif, hakam s/o ahmed r/o ghuspethi, mustak s/o guljar, arshad s/o guljar, wahid s/o ayuf r/o malaka, satish s/o narayan r/o alipur P.S. Bhondsi, sabir khan s/o firoz khan r/o sancholi P.S. Sadar sohna). challan has been submitted in the court on dt. 13.07.2022. The reinvestigation of this case is going on.
									An FIR was lodged (FIR no. 144 dt. 14.06.2021) against sirajuddin s/o jiwan khan, aleem s/o noor mohommad, subin @ subbi s/o hanif, hijab s/o mustak, sahabdeen s/o iqbal r/o ghuspethi, sahid s/o khurshid, jamshed s/o khurshid, sammi s/o rajjak r/o dhulawat	eight accused have been arrested in this FIR (sirajuddin s/o jiwan khan, aleem s/o noor mohommad, subin @ subbi s/o hanif, hijab s/o mustak, sahabdeen s/o iqbal r/o ghuspethi, sahid s/o khurshid, jamshed s/o khurshid, sammi s/o rajjak r/o dhulawat). Challan has been submitted in the court on dt. 16.03.2022. The reinvestigation of this case is going on.

11

10	Aravalli hills near Bissar Akbarpur Village , Tauru block	The coordinates found near the temple and Pond of village, but the nearby mining was noticed in the Panchayti land of the village. Theft of Ord. Earth by local villagers for domestic use since many years.	28.303038, 76.912626	10500 m3 (Ord. Earth)	After	NO	15750 MT	Rs. 55125/- Royalty @ Rs. 3.50/-	Rs. 174570/- recovered as penalty on dt. 24.09.2021 & seized one tractor dt. 16.06.2021 and released on superdari dt. 15.10.2021 by court.	It is pertinent to mention here that in village Bissar Akbarpur mining lease was operated by PCL mineral before ban order of Hon'ble Supreme Court of dt. 16.12.2002.
11	Aravalli hills near Palla village in Nuh block a) Illegal Stone mining location b) Illegal sand mining location	(a) It is pertinent to mention here that in village Palla mining lease was operated by Jitender Kumar S/o Chander parkash mineral before ban order of Hon'ble Supreme Court of dt. 16.12.2002. Theft of stone has been done by local villagers for domestic use since many years. (b) Theft of ordinary earth by local villagers is being done since many years.	28.11.19195 76.990408 & 28.119815 76.978168	a) 2412 m3 (stone) b) 9000 m3 (Ord Earth)	a) Before & After b) Before & After	a) Yes b) Yes	a) 3618 MT b) 13500 MT	a) 180900/- royalty @ Rs.50/- per MT b) 31500 royalty @ Rs. 3.50/- per MT	An FIR against 8 persons Saurin S/o Ramjan, Rehima S/o Fakru, Sajid S/o Shimiru, Iddar S/o Ummar, Juber S/o Rashid, Rashid S/o Abdul, Jakum S/o Hammat , Sarfu S/o Noor Mohd. R/o Tapkan (FIR Not Registered)	

11

										An FIR was lodged (FIR No. 472 dt 23.12.2017) against Sajid S/o Pehlu, Sappu S/o Pehlu, Gunga Urf Subedar S/o Bhura, Mubba S/o Safeda, Islaili S/o Gayani, Sokat S/o Issa , Javed S/o Rashid, Rashid S/o Abdul, Fakrudeen S/o Subedar , Juber S/o Subedar R/o Palla	Four accused have been arrested in this FIR (Iklas s/o gagrudin, muftid s/o umeed r/o pachgaon, rahees s/o islam r/o gharonda PS Tauru, Tahir s/o ameen r/o Ghugudhi PS Tauru. Chalan has been submitted in the court, next hearing date on 21.12.2022.
										A complaint was lodged against Asfak S/o Mahmud, Sakir S/o Subba, Shajad S/o Issab R/o Palla	FIR Not registered
										Tractor No. HR 27E- 6398 seized in P.S. Nuh dt. 16.07.2019	Rs. 220000/- recovered as penalty & Environment compensation
12	Aravali Hills near Meoli Village in Nuh Block	The coordinates found in the field near Gair mumkin pahar. It is case of extension of field, field has been extended by removal of ordinary earth / Malba. It is not a case of commercial mining.	28.05214, 76.9608	42 m3	After	No	63 MT	Rs. 3155/- royalty @ Rs. 50/- per MT	An FIR (FIR No. 303 dt. 2018) was lodged against 8 persons Samey Khan S/o Fajjar Khan, Fajjar Khan S/o Natha , Deena S/o Natha, Niyaj Mohd. S/o Mazid, Iyub S/o Tayab , Khalil S/o Assu, Arshad S/o Assu, Fazar S/o Hazar Khan R/o Mevli	Four accused have been arrested in this FIR (niyaj mohammad s/o majid, fajjar s/o hajar khan, arshad s/o ashu, khalil s/o ashu r/o mevli P.S Nuh. Challan has been submitted in the court, next date of hearing 16.08.2022.	

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Sr. No	Location of Site	Description	GPS Coordinate	Extent of Mining	Whether such mining has been done or before or after prohibition order	Whether any fresh sign of mining	Quantum of mining	Loss to state Exchequer	Action taken by department	Remarks
1.	Aravali, near Bhardwaj lake area	This area was under Mining Lease since 16.01.1984 to 06.05.2002. There is a dump of silica sand lying at the given location since the time of Mining. There has been theft by Local villagers on camel loads of the already available silica dump. There has been no reported incident of mining.	Latitude- 28.446522 Longitude- 77.252394	Nil	After 06.05.2002 no mining activity is there	No	No	Loss of royalty of approx 60MT silica sand @Rs. 100/- per MT = 6000/- Rs.	No	This area is visited by department staff time to time and no mining activity is there, also no complained of this specific area of illegal mining is received in this office till today. But nearby of this site a dump of silica sand was there. From that dump some village people theft that silica sand by loading it on the back of camels. Approx 60MT of silica sand was theft from there.
2.	Aravali, near kot village in Dhauj area	This area was under Mining lease since 06.02.2002 to 05.02.2009. There after there is no incident of mining in this area	Latitude- 28.321745 Longitude- 77.173184	Nil	After 05.02.2009 no mining activity is there	No	No	No	No	This area is visited by department staff time to time and no mining activity is there, also no complained of this specific area of illegal mining is received in this office till today

From

**The Mining Officer,
Department of Mines & Geology,
Gurugram.**

To

**Member Convener- cum – Regional Officer,
Gurugram (N) Haryana State Pollution Control Board,
Vikas Sadan Opposite- New Court, Gurugram**

Memo No. **1607**

Dated : **22-09-2022**

Subject :- Meeting held on 07.09.2022 at 04.00 PM under the Chairmanship of Mrs. Vasvi Tyagi , IFS Chief Conservator of Forest Gurugram in compliance of the direction in the matter of OA No. 362 dt. 2022 titled as Aravalli Bachao citizens movement V/s Union of India and otrs.

As directed by the Chairperson in the meeting held at 4.00 P.M on 07.09.2022 the desired information of above said subject is hereby sent to you in prescribed performa .

This is for your kind information.

Rajaram Chok
Mining Officer
Deptt. of Mines & Geology,
Gurugram

Sr. No	Location of site	Description of order
1	Pandala Hills near Gairatpur Bass village Location 1	Mining activities has been banned in entire Aravalli range of Distt. Gurugram and Nuh by the order of Hon'ble Supreme Court of India dt. 16.12.2002
2	Pandala Hills near Gairatpur Bass village Location 2	Mining activities has been banned in entire Aravalli range of Distt. Gurugram and Nuh by the order of Hon'ble Supreme Court of India dt. 16.12.2002
3	Aravalli Near Tikli village (Ansal Retreat area)	Mining activities has been banned in entire Aravalli range of Distt. Gurugram and Nuh by the order of Hon'ble Supreme Court of India dt. 16.12.2002
4	Aravalli near Jalalpur sohna village, Closed to ITC Grand Bharat Hotel Manesar (Location 1) Location 2 in the same area	Mining activities has been banned in entire Aravalli range of Distt. Gurugram and Nuh by the order of Hon'ble Supreme Court of India dt. 16.12.2002
5	Aravalli near Kota Khendawala village near Manesar Police line complex	The Short Term Permit (STP) for excavation of Ordinary clay has been started by the order of Director Mines & Geology, vide memo no. GLG/HY/Ord. clay / STP dt 09.01.2007
6	Sand Mining location 1 near Manesar Police line complex	A STP was granted vide permit no 3844 dt. 01/02/2022 to 15/03/2022 in Pvt. Land of village Bar Gujjar Tehsil Manesar after deposited the royalty of Rs 29150/-
7	Sand Mining location 2 near Manesar Police line complex	The Short Term Permit (STP) for excavation of Ordinary clay has been started by the order of Director Mines & Geology, vide memo no. GLG/HY/Ord. clay / STP dt 09.01.2007
8	Sand Mining location 3 ahead of Manesar Police line complex on same side of the road going to Tauru	A STP was granted vide permit no 3957 dt. 17/03/2022 to 15/04/2022 in Pvt. Land of village Bar gujjar Tehsil Manesar after deposited the royalty of Rs 15765/-
9	Aravali Hills near Tauru Police Station, Tauru Block	Mining activities has been banned in entire Aravalli range of Distt. Gurugram and Nuh by the order of Hon'ble Supreme Court of India dt. 16.12.2002
10	Aravali Hills near Bissar Akbarpur village Tauru Block	The Short Term Permit (STP) for excavation of Ordinary clay has been started by the order of Director Mines & Geology, vide memo no. GLG/HY/Ord. clay / STP dt 09.01.2007.
11	Aravali Hills near Palla village in Nuh Block (A) illegal stone mining location	Mining activities has been banned in entire Aravalli range of Distt. Gurugram and Nuh by the order of Hon'ble Supreme Court of India dt. 16.12.2002
11B	Illegal Sand Mining Location	The Short Term Permit (STP) for excavation of Ordinary clay has been started by the order of Director Mines & Geology, vide memo no. GLG/HY/Ord. clay / STP dt 09.01.2007.
12	Aravalli Hills near Meoli village in Nuh Block	It is case of extension of Field, field has been extended by removal of Ord. Clay/ Malba. It is not



		a case of Mining.
13	Aravalli Hills near Hirwari Bamantheri village in Ferozepur Jhirka Block	Mining activities has been banned in entire Aravalli range of Distt. Gurugram and Nuh by the order of Hon'ble Supreme Court of India dt. 16.12.2002
14	Aravalli Hills near Bhagola village in Ferozepur Jhirka Block	Mining activities has been banned in entire Aravalli range of Distt. Gurugram and Nuh by the order of Hon'ble Supreme Court of India dt. 16.12.2002

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3/Decd Post

From:

The Director Mines and Geology, Haryana.

To:

All the field officers in the State

Rohitak

Memo No. Glg. HY/Ord clay/STP. 89

9-1-07

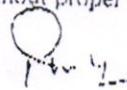
Subject:

Grant of STP's for the extraction of ordinary clay.

Till such time long term contracts for the extraction of ordinary clay could be granted, State Government have decided to allow to grant STP's for the extraction of ordinary clay as per rule 24 of Punjab Minor Mineral Concession Rules, 1964 to the land owners or to the persons having consent of the land owners, on payment of royalty @ rate prescribed in the State Rules i.e. Rs. 5 per M.T. STP's should be granted on following additional conditions:-

1. Maximum depth allowed for the extraction of ordinary clay shall not exceed 5 feet. A buffer zone of 5 feet be left from adjoining areas, so as to ensure that adjoining land is not effected by extraction of ordinary clay.
2. The ordinary clay STP holders shall not be allowed to extract ordinary clay from the areas already on contract for other minerals like sand etc.
3. No extraction of ordinary clay shall be allowed from controlled areas without prior permission of Town and Country Planning Department, Haryana.
4. No excavation shall be carried out in areas notified under Section 4 and 5 of PLPA, 1900 or Aravalli Project Plantations.
5. In the district of Gurgaon no excavation of ordinary clay shall be allowed to undertaken, from the area covered under notification dated 7.5.1992 of MOEF, Govt. of India.
6. The area of Short Term permit should be compact and preferably rectangular. The site plan of the area with detail of land shall be submitted by applicant along with application.
7. Excavation shall not be carried out in the outer periphery of the area, to a distance equal to the depth of excavation, in order to ensure that it does not cause any damage to the adjoining lands.
8. Maximum two numbers of permits shall be granted in a village at any given point of time.
9. Excavation in any contiguous area/site should be less than 5 feet, if the area applied for STP is more than 5 hect, then STP holder will have to seek prior environmental clearance as per notification dated 14.9.2006 issued by MOEF, GOI or NOC from competent authority.
10. The Short term permits shall be granted preferably only for the unarable lands or sand dunes available in village.
11. Short Term Permit holder shall level the area after excavation of ordinary clay upto 5 feet.
12. If excavation of the quantity of ordinary clay for which Short Term permit is granted could not be carried out within the period of 30 days of STP, further excavation shall be allowed only on grant of fresh permit.

In view of above, you are hereby directed to grant STP's for extraction of ordinary clay and ensure that no excavation of ordinary clay does take place without valid STP. Further STP holders shall not dispose of ordinary clay without proper weightment slips, so that proper record of quantity detailed could be maintained.


Mining Engineer,
for Director Mines and Geology, Haryana.





Department of Mines & Geology, Faridabad



Memo No. :- MO/FBD/ 6748

Dated :- 05.08.2022

To

Convener-cum-Regional officer

HSPCB, Gurugram Region (North)

Subject:- Minutes of meeting held on 03.08.2022 at 10:30AM under the chairpersonship of Mrs Vasvi Tyagi, IFS Chief Conservator of Forests, Forest Department at PWD (B&R) Rest House, Gurugram in the matter of OA No. 362/2022 titled as Aravali Bachao Citizens Movement V/S union of India & Ors.

On the subject noted above it is intimated that the action taken report of two sites of district Faridabad is attached with this letter.

Enclosed action taken report.


Mining Officer

Deptt. of Mines & Geology
Faridabad

प्रथम तल, जिला उद्योग केंद्र, नजदीक खजाना अधिकारी कार्यालय, नीलम चौक, फरीदाबाद - 121001

1st Floor, DIC Building, Near Treasury Office, Neelam Chowk, Faridabad - 121001

E-Mail - mominingfbd@gmail.com , Office Telephone No. 0129-2425530.

Sr. No	Location of Site	Description	GPS Coordinate	Extent of Mining	Whether such mining has been done or before or after prohibition order	Whether any fresh sign of mining	Quantity of mining	Loss to state Exchequer	Action taken by department	Remarks
1.	Aravali, near Bhardwaj lake area	This area falls under Mining Lease since 16.01.1984 to 06.05.2002	Latitude-28.446522 Longitude-77.252394	Nil	After 06.05.2002 no mining activity is there	No	No	No	No	This area is visited by department staff time to time and no mining activity is there, also no complained of this specific area of illegal mining is received in this office till today
2.	Aravali, near kot village in Dhauj area	This area falls under Mining lease since 06.02.2002 to 05.02.2009	Latitude-28.321745 Longitude-77.173184	Nil	After 05.02.2009 no mining activity is there	No	No	No	No	This area is visited by department staff time to time and no mining activity is there, also no complained of this specific area of illegal mining is received in this office till today

Annexure 4

Detail of action taken by Police Department on the listed 16 sites.

Sr.No	Location of Site	GPS Coordinates	Extent of mining	Description of FIR	Action taken by department	Present status	Remarks
1	Pandalala Hills near Gairatpur Bas Village (in front of Rathee Cafe)	28.332487, 76.984989	504 m3	FIR No. 353 Dt. 09.06.2017 U/s 379, 188, 120B IPC PS Badshahpur, Gurugram	During the course of investigation, no clue was found due to which untrace report was filed.	Untraced on 01.09.2017	
2	Pandalala Hills near Gairatpur Bas Village (behind Rathee Cafe & Jungle Cafe)	28.404198, 77.173108	576 m3	FIR No. 132 Dt. 21.03.2020 U/s 379, 188, 34 IPC PS Badshahpur, Gurugram FIR No. 167 Dt. 30.04.2022 U/s 188 IPC 21(1), 21(4) Mines & minerals Act 1957 PS Badshahpur FIR No. 242 Dt. 22.06.2022 U/s 188 IPC 21(1), 21(4) Mines & minerals Act 1957 PS Badshahpur	During the course of investigation, two accused persons were arrested and two Tractors, one drill machine were seized. During the course of investigation, two accused persons were arrested and two Tractors with troli were seized. During the course of investigation, two accused persons were arrested and two Tractors with troli were seized.	Challan was submitted in the Court. Next date of hearing on 12.09.2022 Under investigation Under Investigation	
3	Aravalli area near Tikli Village (Ansal)	28.309623, 77.000607	193 m3	FIR No. 133 Dt. 18.03.2022 U/s 379, 188, 120B IPC &	During the course of action, vehicle No. HR5T-4647 was seized at PS Badshahpur, Gurugram on 28.07.2017. During the course of action, vehicle No. HR47C0100 was seized at PS Badshahpur, Gurugram on 13.09.2020. During the course of investigation, two accused persons were arrested. One Hyva Dumper No. HR55AI0676 and one	Challan was submitted in the Court on 19.04.2022.	Rs. 3,43,450/- imposed fine.



	Retreat area)			21(4)(A) Mines & minerals Act 1957 PS Sadar Tauru, Distt. Nuh	JCB No. HAR3DXXTL02719151 were seized.		
4	Aravalli near JalalpurSohna Village close to ITC Grand Bharat hotel (location 1& 2 in the same area)	28.297888, 77.00233	581 m3	FIR No. 320 Dt. 23.10.2020 U/s 379, 188 IPC & 21(4) Mines & minerals Act 1957 PS Sadar Tauru, Distt. Nuh	During the course of investigation, no clue was found due to which untrace report was filed.	Untraced on 31.12.2020.	
5	Aravalli near Kota Khandewla Village near Manesar Police Lines Complex	28.326132, 76.973253	1320 sq. mtrs Ord Earth	FIR No. 215 Dt. 22.06.2018 U/s 379, 188 IPC PS Sadar Tauru, Distt. Nuh	During the course of investigation, two accused persons were arrested.	Challan was submitted in the Court. Next date of hearing on 06.09.2022	
				FIR No. 369 Dt. 20.09.2018 U/s 379, 188 IPC PS Sadar Tauru, Distt. Nuh	During the course of investigation, five accused persons were arrested.	Challan was submitted in the Court. Next date of hearing on 13.09.2022	
				FIR No. 293 Dt. 30.05.2019 U/s 379, 188, 120B IPC PS Sadar Tauru, Distt. Nuh	During the course of investigation, five accused persons were arrested.	Challan was submitted in the Court. Next date of hearing on 06.09.2022	
				FIR No. 287 Dt. 28.05.2019 U/s 379, 188, 120B IPC PS Sadar Tauru, Distt. Nuh	During the course of investigation, two accused persons were arrested and one Tractor with compressor was seized.	Challan was submitted in the Court. Next date of hearing on 17.08.2022	
				FIR No. 33 Dt. 19.01.2020 U/s 379, 188 IPC PS Sadar	During the course of investigation, no clue was found due to which untrace report was filed.	Untraced on 15.09.2020.	

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			Tauru, Distt. Nuh				
			FIR No. 51 Dt. 30.01.2020 U/s 379,188 IPC PS Sadar Tauru, Distt. Nuh	During the course of investigation, two accused persons were arrested.	Challan was submitted in the Court on 15.09.2020.		
				During the course of action, vehicle No. HR55N-8275 was seized at PS Tauru, Distt. Nuh on 19.08.2020			Rs. 2,46,000/- imposed fine.
				During the course of action, vehicle No. HR74A-9440 was seized at PS Tauru, Distt. Nuh on 10.10.2019.			Rs. 2,32,000/- imposed fine.
6	Sand mining location-1 near Manesar Police Lines Complex	28.33309, 76.974744	-----	-----	-----	-----	-----
7	Sand mining location-2 near Manesar Police Lines Complex	28.326116, 76.973234	-----	-----	-----	-----	-----
8	Sand mining location-3 ahead of Manesar Police Lines Complex on the same side of Tauru road	28.350935, 76.994209	-----	-----	-----	-----	-----
9	Aravalli hills near Tauru Police Station Tauru block	28.218806, 76.995616	FIR No. 151 Dt. 20.06.2021 U/s 379, 188 IPC & 21(4)(A) Mines & minerals Act 1957, PS Sadar Tauru,	During the course of investigation, seven accused persons were arrested.	Challan was submitted in the court on 13.07. 2022.	The re- investigation of this case is going on.	

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				Distt. Nuh				
				FIR No. 144 Dt. 14.06.2021 U/s 379, 188 IPC & 21(4)(A) Mines & minerals Act 1957, PS Sadar Tauru, Distt. Nuh	During the course of investigation, eight accused persons were arrested.	Challan was submitted in the court on 16.03.2022.	The re-investigation of this case is going on.	
10	Aravalli hills near Bissar Akbarpur Vill. Tauru block	28.303038, 76.912626	10500 m3	----	During the course of action, one tractor seized on 16.06.2021.	----	Rs. 1,74,570/- imposed fine.	
11	Aravalli hills near Palla Village in Nuh Block (a) illegal stone mining location (b) illegal sand mining location	28.119195, 76.990408	2412 m3 (stone) 9000 m3 (ord earth)	FIR No. 472 Dt. 23.12.2017 U/s 379, 188, 120B, 201 IPC PS Sadar Tauru, Distt. Nuh	During the course of investigation, four accused persons were arrested.	Challan was submitted in the Court. Next date of hearing on 21.12.2022		
12	Aravalli hills near Meoli village in Nuh block	28.05214, 76.9608	42 m3	FIR No. 303 Dt. 22.05.2018 U/s 379, 188 IPC PS Sadar Nuh, Distt. Nuh	During the course of investigation, four accused persons were arrested.	Challan was submitted in the Court. Next date of hearing on 16.08.2022.		
13	Aravalli hills near Hirwari Bamatheri village in Ferozepur Jhirka block	27.774321, 77.013061	2160 m3 stone	----	----	----		
14	Aravalli hills near Bhagola village in	27.7733, 77.012508	1800 m3 stone	FIR No. 252 Dt. 12.06.2019 U/s 379, 188 IPC PS	During the course of investigation, two accused persons were arrested.	Challan was submitted in the court on 19.03.2020.		

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	Ferozepur Jhirka block		Ferozepur Jhirka, Distt. Nuh			
15	Aravalli near Bharadwaj lake area	28.447075, 77.25006389	----		----	
16	Aravalli near Kot village in Dhaui area	28.32493, 77.17415278	----		----	

Total Location of Sites

16

Case registered

17

(District Gurugram

4

District Nuh

13

District Faridabad)

Nil

Current Status:-

10

Put in the Court

3

Untraced

4

Under Investigation

वन विभाग, हरियाणा सरकार
कार्यालय उप वन संरक्षक, गुरुग्राम

वन परिसर, सोहना रोड, नजदीक न्यायालय परिसर, गुरुग्राम दूरभाष-0124-2322057

क्रमांक.....587-C

दिनांक.....13/8/2022

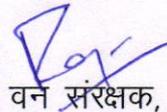
सेवा में,

मुख्य वन संरक्षक,
दक्षिणी परिमण्डल, गुरुग्राम।

विषय:- **Constitution of joint committee in compliance of direction of Hon'ble NGT in OA 362/2022 (Aravalli Bachao Citizen Movement Application Vs. Uoi & Ors.) dated 23.05.2022**

उपरोक्त विषय के सम्बन्ध में विषयांकित केस में illegal mining Aravalli areas in Gurugram Division की action taken report इस पत्र के साथ संलग्न सूचनार्थ एवं आगामी आवश्यक कार्यवाही हेतु प्रेषित है।

संलग्न/उपरोक्त।


उप वन संरक्षक,
गुरुग्राम।

Detail of action taken by Forest department on the listed sites.									
Sr. No.	Location of Site	Description	GPS Coordinates	Extent of mining	Whether notified under PLPA or Aravalli Plantation	Khasra No.	Extent of loss to vegetational cover	Action taken by department.	Remarks
1	Pandala Hills near Gairatpurbass village Location no. 1 Reached after walking up the hills front off in raihee cafe	5 x 4 = 20 sqm	28.332487, 76.984989	5 x 4 = 20 sqm	Aravalli Plantation Area	144	5 x 4 = 20 sqm	On 29.06.2020, the beat guard had given a written complaint against illegal mining by Sarpanch, Gairatpurbass to Range Forest Officer, Sohna 29-06-2020. RFO, Sohna wrote to ACP, Sohna for action on the complaint against illegal mining on 15.07.2020. DFO office also requested through a letter to Police Commissioner for suitable action to be taken against the offenders. On 8.06.2021, RFO Sohna again wrote a letter to SHO, Sohna for action to be taken against Sh. Tekchand S/o Gairatpur Bass Dhani Kheda. Instruction were issued by DFO office to the subordinate staff vide letter dated 05.10.2021 to be more vigilant and patrol the area extensively.	The actual GPS Coordinates of the location are 28.333993, 76.992716
2	Pandala Hills near Gairatpurbass village Location no. 2 behind Raihee Cafe & Jungle Cafe	10 x 5 = 50 sqm	28.404198, 77.173108	10 x 5 = 50 sqm	Aravalli Plantation Area	160	10 x 5 = 50 sqm	For the area, following other forest offence reports has been registered for illegal mining FOR No 081/0497 dated 09.12.2020 FOR No 087/0497 dated 08.06.2021 FOR No 001/0504 dated 01.08.2019	The actual GPS Coordinates of the location are 28.333891, 76.995225
3	Aravalli Area near Tiki Village (Ansal Retreat Area)		28.309623, 77.000607					FOR No 087/0497 dated 08.06.2021 FOR No 001/0504 dated 01.08.2019	Prosecution Case in Environment Court, Faridabad PC.11-S/2020-21 Prosecution Case in Environment Court, Faridabad PC.4-S/2021-22 Pending
4	Aravalli near Jalalpur, Sohna Village close to TTC Grand Bharat Hotel in Manesar (Location 1) Location 2 is the same area		28.297888, 77.002330, 28.300366, 77.002921						The location is in Nuh Forest Division
5	Aravalli near Koria Khandelwal village near Manesar Police Line Complex		28.326132, 76.973253						The location is in Nuh Forest Division
6	Send mining location 1, Near Manesar Police Lines Complex	Land is not Forest Land but privately owned	28.33309, 76.974744	-	NA	-	-	NA	The area is under Private Ownership and has not been notified under PLPA Section 4/5
7	Send mining location 2, Near Manesar Police Lines Complex		28.326116, 76.973234						The location is in Nuh Forest Division
8	Sand mining location 3 ahead of Manesar Police Lines Complex on same side of the road going to Tauru	Total Area 30 M2 (Mithi ubhai)	28.350935, 76.994209	Total Area 30 M2 (Mithi ubhai)	Gairatpurbass Sec. 4&5 & Aravalli Plantation Area	138	Total Area 30 M2 (Mithi ubhai)	FOR No. 049/0497 16-11-2020	Prosecution Case in Environment Court, Faridabad PC.10-S/2020-21 * As per coordinate given the area is in Gairatpurbass

By, Conservation of Forest,
Gurugram

Forest Department Government of Haryana

Office of Divisional Forest Officer, Mewat Forest Division

Gaushalla Road, Forest Complex, Nuh- Mewat

Tel/Fax: 01267-274701 E-mail: dfo_mewat@yahoo.com

No. 414

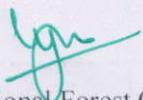
Date: 16.08.2022

To Chief Conservator of forest
South Circle Gurugram.

Sub: Constitution of joint Committee in compliance of direction of Hon'ble NGT in OA No. 362/2022 (Aravalli Bachao Citizen Movement Application Vs UoI & Ors) dated 23.05.2022

With reference to the subject cited above, please find the action taken report (Copy enclosed) regarding illegal mining Aravalli areas in Nuh Division. It is forwarded to you for the necessary action to be taken.

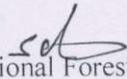
Copy enclosed.


Divisional Forest Officer,
Nuh

Endst. No:

Dated:-

A copy is forwarded to The Regional Officer, Gurugram (N), Haryana State Pollution Control Board, Vikas Sadan Opp. New Court, Gurugram for kind information and necessary action please (Copy enclosed).


Divisional Forest Officer,
Nuh

Forest Department Government of Haryana

Office of Divisional Forest Officer, Mewat Forest Division

Gaushalla Road, Forest Complex, Nuh- Mewat

Tel/Fax: 01267-274701 E-mail: dfo_mewat@yahoo.com

No.

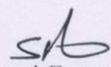
Date:

To Chief Conservator of forest
South Circle Gurugram.

Sub: Constitution of joint Committee in compliance of direction of Hon'ble NGT in OA No. 362/2022 (Aravalli Bachao Citizen Movement Application Vs UoI & Ors) dated 23.05.2022

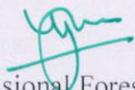
With reference to the subject cited above, please find the action taken report (Copy enclosed) regarding illegal mining Aravalli areas in Nuh Division. It is forwarded to you for the necessary action to be taken.

Copy enclosed.


Divisional Forest Officer,
Nuh

Endst. No: 415 Dated:- 16.08.2022

A copy is forwarded to The Regional Officer, Gurugram (N), Haryana State Pollution Control Board, Vikas Sadan Opp. New Court, Gurugram for kind information and necessary action please (Copy enclosed).


Divisional Forest Officer,
Nuh

Details of action taken by Forest Department on the listed sites.

Annexure-IV									
Sr. No	Location of Site	Description	GPS Coordinates	Extent of mining	Whether notified under PLPA or Aravali Plantation	Khasra No.	Extent of Loss to vegetational cover	Action taken by department	Remarks
1	2	3	4	5	6	7	8	9	10
2	Aravali Area near Tilki Village-(Ansal Retreat area)	Mohammadpur Ahir Sec. 4&5	N 28.309623 E 77.000607		PLPA	0//86			vide letter no. 927 dt. 11-01-2022 DC Nuh and vide Letter no. 928 dt. 11-01-2022 SP Nuh was requested to lodge an FIR against the offenders
									vide letter no. 1315 dt. 04-02-2022 DC Nuh and vide Letter no. 1316 dt. 04-02-2022 SP Nuh was requested to lodge an FIR against the offenders
								Forest offence Report (FOR) NO.048/0536 Dated 23-09-2021	Prosecution Case in Environment Court, Faridabad (PC) No. 3 N of 2022-23
									vide letter no. 1317 dt. 04-02-2022 DC Nuh and vide Letter no. 1318 dt. 04-02-2022 SP Nuh was requested to lodge an FIR against the offenders
								FOR NO.093/0536 Dated 20-03-2022	Prosecution Case in Environment Court, Faridabad (PC)No. 26 N of 2022-23
								FOR No. 087/0536 Dated 25-01-2022	Prosecution Case in Environment Court, Faridabad (PC) No. 24 N of 2022-23
								FOR No. 088/0536 Dated 25-01-2022	Prosecution Case in Environment Court, Faridabad (PC)No. 25 N of 2022-23
3	Aravali near Jalalpur Sohna Village, Close to ITC Grand Bharat Hotel is Manesar (Location-1)	Khark Jalalpur sec 4 & 5	N 28.297888 E 77.002330		PLPA	38			
	Location-2 in the same area	Khark Jalalpur sec 4 & 5	N 28.300366 E 77.002921		PLPA	38			

Sr. No	Location of Site	Description	GPS Coordinates	Extent of mining	Whether notified under PLPA or Aravali Plantation	Khasra No.	Extent of Loss to vegetational cover	Action taken by department	Remarks
1	2	3	4	5	6	7	8	9	10
4	Aravallis near Kota Khandewala Village-Near Manesar Police Line Complex	Kota Khandewala Sec 4 & 5	N 28.326132 E 76.973253		PLPA	59		FOR No. 001/009 Dated 14-07-2022 and FOR No. 002/009 Dated 14-07-2022	
5	Sand Mining Location 1 Near Manesar Police line complex	Gurugram	N 28.33309 E 76.974744						
6	Sand mining location 2 near Manesar Police line complex	Kota Khandewala Sec 4 & 5	N 28.326116 E 76.973234		PLPA	59		FOR No. 001/009 Dated 14-07-2022 and FOR No. 002/009 Dated 14-07-2022 (Same Location Sr. No. 05))	
7	Sand mining location 3 ahead of manesar police lines complex on same side of the road going to tauru	Gurugram	N 28.350935 E 76.994209						
8	Aravali Hills near tauru police station, Tauru block	Dhulawat	N 28.218806 E 76.995616		PLPA			FIR	vide Letter No. 208 Dated 27-12-2019 Range forest officer Nuh requested SHO Tauru to lodge an FIR against the offenders
								FIR	vide letter no. 36 dt. 20-04-2022 DC Nuh and vide Letter no. 37 dt. 20-04-2022 SP Nuh was requested to lodge an FIR against the offenders
								FOR No 048/0547	Prosecution Case in Environment Court, Faridabad (PC) no 25 N of 2020-21

Sr. No	Location of Site	Description	GPS Coordinates	Extent of mining	Whether notified under PLPA or Aravali Plantation	Khasra No.	Extent of Loss to vegetational cover	Action taken by department	Remarks
1	2	3	4	5	6	7	8	9	10
9	Aravali hills near Bissar Akbarpur village- Tauru Block	Bissar Akbarpur	N 28.303038 E 76.912626		PLPA				

10 Aravali Hills near Palla Village in Nuh block

a	Illegal stone mining Location	Palla	N 28.119195 E 76.990408		PLPA			FIR	vide Letter No. 56 Dated 22-05-2019 Range forest officer Nuh requested SHO Nuh to lodge an FIR against the offenders
								FOR No 19944/200 Dated 30-04-2016	Prosecution Case in Environment Court, Faridabad (PC) no 04 N of 2016-17
								FOR No 19937/200 Dated 28-04-2016	Prosecution Case in Environment Court, Faridabad (PC) no 05 N of 2016-17
								FOR No 19938/200 Dated 29-04-2016	Prosecution Case in Environment Court, Faridabad (PC) no 06 N of 2016-17
								FOR No 19939/200 Dated 29-04-2016	Prosecution Case in Environment Court, Faridabad (PC) no 07 N of 2016-17
								FOR No 19940/200 Dated 29-04-2016	Prosecution Case in Environment Court, Faridabad (PC) no 08 N of 2016-17
								FOR No 19946/200 Dated 30-04-2016	Prosecution Case in Environment Court, Faridabad (PC) no 09 N of 2016-17

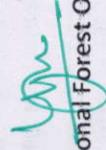
Sr. No	Location of Site	Description	GPS Coordinates	Extent of mining	Whether notified under PLPA or Aravali Plantation	Khasra No.	Extent of Loss to vegetational cover	Action taken by department	Remarks
1	2 Illegal stone mining Location	3 Palla	4 N 28.119195 E 76.990408	5	6 PLPA	7	8	9 FOR No 19941/200 Dated 29-04-2016 FOR No 19943/200 Dated 30-04-2016 FOR No 19942/200 Dated 30-04-2016 FOR No 19948/200 Dated 01-05-2016 FOR No 19945/200 Dated 30-04-2016 FOR No 19947/200 Dated 01-05-2016 FOR No 19949/200 Dated 02-05-2016 FOR No 68/525 Dated 4-12-2018 FOR No 69/525 Dated 5-12-2018	10 Prosecution Case in Environment Court, Faridabad (PC) no 10 N of 2016-17 Prosecution Case in Environment Court, Faridabad (PC) no 11 N of 2016-17 Prosecution Case in Environment Court, Faridabad (PC) no 12 N of 2016-17 Prosecution Case in Environment Court, Faridabad (PC) no 13 N of 2016-17 Prosecution Case in Environment Court, Faridabad (PC) no 14 N of 2016-17 Prosecution Case in Environment Court, Faridabad (PC) no 15 N of 2016-17 Prosecution Case in Environment Court, Faridabad (PC) no 16 N of 2016-17 Prosecution Case in Environment Court, Faridabad (PC) no 01 N of 2019-20 Prosecution Case in Environment Court, Faridabad (PC) no 02 N of 2019-20

Sl. No	Location of Site	Description	GPS Coordinates	Extent of mining	Whether notified under PLPA or Aravali Plantation	Khasra No.	Extent of Loss to vegetational cover	Action taken by department	Remarks
1	2 Illegal stone mining Location	3 Palla	4 N 28.119195 E 76.990408	5	6 PLPA	7	8	9 FOR No 73/525 Dated 4-12-2018 FOR No 76/525 Dated 21-12-2018 FOR No 77/525 Dated 77-12-2018	10 Prosecution Case in Environment Court, Faridabad (PC) no 04 N of 2019-20 Prosecution Case in Environment Court, Faridabad (PC) no 07 N of 2019-20 Prosecution Case in Environment Court, Faridabad (PC) no 08 N of 2019-20
b	Illegal sand mining Location	Palla	N 28.119815 E 76.978168		PLPA			FOR No 01/14 Dated 19-11-2021 FOR No 02/14 Dated 19-11-2021	Prosecution Case in Environment Court, Faridabad (PC) no 35 N of 2022-23 Prosecution Case in Environment Court, Faridabad (PC) no 36 N of 2022-23

Sr. No	Location of Site	Description	GPS Coordinates	Extent of mining	Whether notified under PLPA or Aravali Plantation	Khasra No.	Extent of Loss to vegetational cover	Action taken by department	Remarks
1	2	3	4	5	6	7	8	9	10
11	Aravali hills near meoli village in Nuh block	Baroji	N 28.05214 E 76.978168		PLPA			FIR	vide Letter No. 36 Dated 08-05-2019 Range forest officer Nuh requested SHO Nuh to lodge an FIR against the offenders
								FIR	vide Letter No. 262 Dated 03-01-2020 Range forest officer Nuh requested SHO Nuh to lodge an FIR against the offenders
								FIR	vide Letter No. 290 Dated 28-01-2020 Range forest officer Nuh requested SHO Nuh to lodge an FIR against the offenders
								FOR No 004/0553	CC No 46 N Of 2017-18
								FOR No 032/0553	CC No 17 N Of 2018-19
								FOR No 031/0553	CC No 24 N Of 2018-19
								FOR No 042/0553	CC No 45 N Of 2018-19
								FOR No 043/0553	CC No 46 N Of 2018-19
								FOR No 045/0553	CC No 57 N Of 2018-19
								FOR No 046/0553	CC No 58 N Of 2018-19
								FOR No 068/0553	CC No 179 N Of 2018-19
								FOR No 071/0553	CC No 180 N Of 2018-19
								FOR No 069/0553	CC No 181 N Of 2018-19
								FOR No 067/0553	CC No 182 N Of 2018-19
								FOR No 066/0553	CC No 183 N Of 2018-19
								FOR No 065/0553	CC No 184 N Of 2018-19
								FOR No 070/0553	CC No 185 N Of 2018-19

Sr. No	Location of Site	Description	GPS Coordinates	Extent of mining	Whether notified under PLPA or Aravali Plantation	Khasra No.	Extent of Loss to vegetational cover	Action taken by department	Remarks
1	2	3	4	5	6	7	8	9	10
12	Hirwadi Bamantheri	illigal Stone Mining	N 27 774321 E 77.013061	Small Pits	No PLPA Area Aravali Plantation & Panchayat Land	Khasra No. 8, 9, 10, Gair Mumkin Pahar	Nil	1. FIR No. 0363 dated 09-10-2018 lodged. 2. FOR No. 004/0527 Dated 13-12-2017, 3. FOR 002/0527 dated 20-11-2017,	At Present there is no mining
13	Baghola	illigal Stone Mining	N 27 7733, E 77.01250833	Small Pits	No PLPA Area Aravali Plantation & Panchayat Land	Khasra No. 55 Gair Mumkin Pahar	0.5 Acer	1. FIR No. 0456 Dated 03-11-2017 2. FOR No. 1057/11 dated 29-07-2017 3. FOR No. 1056/11 Dated 29-07-2017 4. FOR No. 1055/11 dated 26-07-2017 5. FOR No. 1054/11 dated 26-07-2017 6. FOR No. 013/0527 dated 23-04-2018 7. FOR No. 014/0527 dated 23-04-2018 8. FOR No. 015/0527 dated 23-04-2018	At Present there is no mining

Sr. No	Location of Site	Description	GPS Coordinates	Extent of mining	Whether notified under PLPA or Aravali Plantation	Khasra No.	Extent of Loss to vegetational cover	Action taken by department	Remarks
1	2	3	4	5	6	7	8	9	10
14	Baghola	Illegal Stone Mining	N 27 7733, E 77.01250833	Small Pits	No PLPA Area Aravali Plantation & Panchayat Land	Khasra No. 55 Gair Mumkin Pahar	0.5 Acre	9. FOR No. 077/530 dated 16-12-2020 10. FOR No. 078/530 dated 16-12-2020 11. FOR No. 090/529 dated 24-12-2021 12. FOR No. 045/19 dated 18-04-2022 13. FOR No. 046/19 dated 18-04-2022 14. FOR No. 091/529 dated 24-12-2021	At Present there is no mining



Divisional Forest Officer,
Nuh

16-12-98

ITEM NO. 301 & 302
(Shifted from Chief Court)

COURT NO.8

SECTION PIL

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

I.A. No. 827 In W.P.(C)No.202/1995

T.N. GODAVARMAN THIRUMALPAD ... PETITIONER

Vs.

UNION OF INDIA & ORS. ... RESPONDENT (S)
(REPORT OF CENTRAL EMPOWERED COMMITTEE
REGARDING TRANSFER OF FUNDS AND RELATED ISSUES)

WITH

I.A. No. 798 In W.P.(C)No.202/1995
T.N. GODAVARMAN THIRUMALPAD
Vs. UNION OF INDIA & ORS.
(FOR EX-PARTE STAY OF THE ORDER DATED 23.08.2002)I.A. No. 745 In W.P.(C)No.202/1995
T.N. GODAVARMAN THIRUMALPAD
Vs. UNION OF INDIA & ORS.
(FOR DIRECTIONS)

WITH

W.P.(C)No.672/1998 CORD & ANR
Vs. STATE OF M.P. & ORS
(WITH APPLN.(S) FOR PERMISSION TO PLACE ADDL.
DOCUMENTS ON RECORD)I.A. No. 782-784 In W.P.(C)No.202/1995
T.N. GODAVARMAN THIRUMALPAD
Vs. UNION OF INDIA & ORS.
(FOR IMPLEADMENT AND DIRECTIONS/
STAY AND EXEMPTION FROM FILING O.T.)I.A. No. 785 In W.P.(C)No.202/1995
T.N. GODAVARMAN THIRUMALPAD
Vs. UNION OF INDIA & ORS.
(FOR INTERVENTION/DIRECTIONS)I.A. No. 786 In W.P.(C)No.202/1995
T.N. GODAVARMAN THIRUMALPAD
Vs. UNION OF INDIA & ORS.
(FOR CLARIFICATION OF CT'S ORDER DATED 12.12.1996)

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I.A. No. 793-795 In W.P.(C)No.202/1995
T.N. GODAVARMAN THIRUMALPAD
Vs. UNION OF INDIA & ORS.
(FOR IMPLEADMENT AND EXEMPTION FROM FILING O.T.
AND DIRECTIONS/STAY)

I.A. No. 799 In W.P.(C)No.202/1995
T.N. GODAVARMAN THIRUMALPAD
Vs. UNION OF INDIA & ORS.
(FOR IMPLEADMENT/DIRECTIONS/ EXEMPTION FROM
FILING O.T.)

I.A. No. 804 In W.P.(C)No.202/1995
T.N. GODAVARMAN THIRUMALPAD
Vs. UNION OF INDIA & ORS.
(LETTER DATED 10.09.2002 SIGNED BY MR.
SANTOSH BHARATI, FILED BY LD. A.C. IN
THE COURT ON 26.09.2002)

I.A. No. 805-806 In W.P.(C)No.202/1995
T.N. GODAVARMAN THIRUMALPAD
Vs. UNION OF INDIA & ORS.
(FOR IMPLEADMENT/DIRECTIONS AND EXEMPTION
FROM FILING C/C OF ORDER DATED 12.02.2002)

I.A. No. 807-808 In W.P.(C)No.202/1995
T.N. GODAVARMAN THIRUMALPAD
Vs. UNION OF INDIA & ORS.
(FOR IMPLEADMENT/DIRECTIONS AND EXEMPTION
FROM FILING C/C OF ORDER DATED 12.02.2002)

I.A. No. 809-810 In W.P.(C)No.202/1995
T.N. GODAVARMAN THIRUMALPAD
Vs. UNION OF INDIA & ORS.
(FOR IMPLEADMENT/DIRECTIONS AND EXEMPTION
FROM FILING C/C OF ORDER DATED 12.02.2002)

I.A. No. 811-812 In W.P.(C)No.202/1995
T.N. GODAVARMAN THIRUMALPAD
Vs. UNION OF INDIA & ORS.
(FOR IMPLEADMENT/DIRECTIONS AND EXEMPTION
FROM FILING C/C OF ORDER DATED 22.04.2002)

CONMT.PET.(Civil)No.479/2002 In W.P.(C)No.202/1995
UMESH GARG
Vs. NEERAJ SHASTRI & ORS.
(WITH APPLN.(S) FOR EXEMPTION FROM FILING O.T.)

I.A. No. 813 In W.P.(C)No.202/1995
T.N. GODAVARMAN THIRUMALPAD
Vs. UNION OF INDIA & ORS.
(FOR IMPLEADMENT)

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I.A. No. 814 In W.P.(C)No.202/1995
T.N. GODAVARMAN THIRUMALPAD
Vs. UNION OF INDIA & ORS.
(FOR EXEMPTION FROM FILING O.T.)

I.A. No. 815 In W.P.(C)No.202/1995
T.N. GODAVARMAN THIRUMALPAD
Vs. UNION OF INDIA & ORS.
(FOR DIRECTIONS AND STAY)

I.A. No. 838 In W.P.(C)No.202/1995
T.N. GODAVARMAN THIRUMALPAD
Vs. UNION OF INDIA & ORS.
(FOR DIRECTIONS)

WITH

W.P.(C)No.603/2000 SOCIETY, PROTECTION OF HUMAN
RIGHTS & ORS
Vs. UNION OF INDIA & ORS.
(WITH APPLN.(S) FOR STAY AND OFFICE REPORT)

WITH

C.P.(C)NO.193/2001 In W.P.(C)No.202/1995
DISTT. FOREST OFFICER, TAMILNADU
Vs. GOWRI SHANKAR & ANR.
(FOR IMPLEADMENT AND DIRECTIONS)

I.A.NO.833
(FOR MODIFICATION/CLARIFICATION OF ORDER DATED 30.10.2002)
IN

I.A.NO.828
(SECOND MONITORING REPORT OF C.E.C. WITH REGARD TO ILLEGAL MINING IN
THE ARRAWLIS HILLS)
IN

W.P.(C)NO.202/1995
T.N. GODAVARMAN THIRUMALPAD
VS. UNION OF INDIA & ORS.

I.A. No.834 AND 835 In I.A.NO. 28 In W.P.(C)No.202/1995
T.N. GODAVARMAN THIRUMALPAD
Vs. UNION OF INDIA & ORS.
(FOR IMPLEADMENT AND MODIFICATION OF ORDER
DATED 29/30.10.2002 ON BEHALF OF FEDERATION OF
MINING ASSOCIATION OF RAJASTHAN)

I.A. No.837 AND 838 In I.A.NO. 828 In W.P.(C)No.202/1995
T.N. GODAVARMAN THIRUMALPAD
Vs. UNION OF INDIA & ORS.
(FOR IMPLEADMENT AND MODIFICATION/CLARIFICATION
OF ORDER DATED 30.10.2002 AND EXEMPTION
FROM FILING O.T.)

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I.A. No.839 In I.A.NO. 828 In W.P.(C)No.202/1995
 Vs. T.N. GODAVARMAN THIRUMALPAD
 UNION OF INDIA & ORS.
 (FOR VACATION/MODIFICATION OF THE ORDER AND
 DIRECTION 2 DATED 30.10.2002)

I.A. No.840 In I.A.NO. 828 In W.P.(C)No.202/1995
 Vs. T.N. GODAVARMAN THIRUMALPAD
 UNION OF INDIA & ORS.
 (FOR IMPLEADMENT AND VARIATION
 OF THE ORDER DATED 30.10.2002)

(FOR DIRECTIONS)

I.A. No.846 In I.A.NO.828 IN W.P.(C)No.202/1995
 Vs. T.N. GODAVARMAN THIRUMALPAD
 UNION OF INDIA & ORS.
 (FOR AMENDMENT OF I.A.NO.833)

WITH

I.A. No.847 In I.A.NO.828 In W.P.(C)No.202/1995
 Vs. T.N. GODAVARMAN THIRUMALPAD
 UNION OF INDIA & ORS.
 (FOR MODIFICATION/CLARIFICATION OF
 COURT'S ORDER DATED 30.10.2002)

DATED : 16/12/2002 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL
 HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Petitioner (s)/Applicant (s) :

Mr. H.N. Salve, Sr.Adv. (A.C.)
 Mr. U.U. Lalit, Adv. (A.C.)

UOI & Min. of
 Environment

Mr. Soli J. Sorabjee, AG
 Mr. Mukul Rohtagi, ASG
 Mr. S.W.A. Qadri, Ad.
 Mr. S.R. Hegde, Adv.
 Mr. C.V.S. Rao, Adv.
 Mr. Satya Mitra, Adv.
 Ms. Sushma Suri, Adv.
 Ms. Anil Katiyar, Adv.
 Mr. B.V. Balaram Das, Adv.

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State of Rajasthan
Mr. Soli J. Sorabjee, AG
Mr. S.M. Mehta, Adv. General
Mr. Gopal Subramaniam, Sr. Adv.
Mr. K. Sharma, Adv.
Ms. Sandhya Goswami, Adv.

State of Tripura
Mr. Gopal Singh, Adv.
Mr. Rajiv Mohapatra, Adv.

IA 840
Mr. P. Chidambaram, Sr. Adv.
Mr. Dhruv Mehta, Adv.
Ms. Shalini Gupta, Adv.
Mr. Mohit Chaudhary, Adv.

Mr. Dhruv Mehta, Adv.
for M/s. K.L. Mehta & Co., Adv.

IA 798
Mr. Rajiv Mehta, Adv.

IA 838
M/s Sunil Kumar, Himanshu Shekhar, Adv.

IA 834 & 835
Mr. Arun Jaitley, Sr. Adv.
Dr. A.M. Singhvi, Sr. Adv.
Ms. H. Wahi, Adv.
Mr. Sunil Dogra, Adv.
Ms. Sumita Hazarika, Adv.

IA 827 for
State of Kerala
Mr. K.R. Sasiprabhu, Adv.
Ms. K. Sangeeta, Adv.
Mr. Sushil Tekriwal, Adv.

NCT of Delhi
Mr. D.N. Goburdhun, Adv.
Ms. Pinky Anand, Adv.
Ms. Geeta Luthra, Adv.

IA 837 & 838
Mr. Jagdeep Dhankar, Sr. Adv.
Ms. Shobha, Adv.
Dr. Sushil Balwada, Adv.
Ms. Shettal Aggarwal, Adv.

IA 785
Mr. N. Datta, Sr. Adv.
Mr. Manish Goswami, Adv.
Mr. R.P. Goyal, Adv.

IA 799
Mr. Y.P. Singh, Adv.
Mr. C. Siddharth, Adv.
Mr. M.C. Kaushik, Adv.
Mr. Debashish Mishra, Adv.

IA 833
Mr. K. Parasaran, Sr. Adv.
Mr. V. Balachandran, Adv.

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IA 782-784 &
793-795

Mr. V.B. Misra, Adv.
Mr. R.D. Rathore, Adv.
Mr. K.K. Gupta, Adv.

State of Manipur

Mr. KH. Nobin Singh, Adv.
Mr. Colin Gunsalves, Adv.
Ms. Aparna Bhat, Adv.
Ms. Sweta Kakkad, Adv.
Mr. S.B. Upadhayay, Adv.

For respondent (s)/appearing parties :

Mr. P.N. Misra, Sr. Adv.
Mr. Joseph Pookkatt, Adv.
Mr. Prashant Kumar, Adv.
Mr. P. Keswani, Adv.

State of Uttaranchal

Mr. Ajay K. Agrawal, Adv.
Ms. Sangeeta Sharma, Adv.
Ms. Anamika Agrawal, Adv.

State of UP

Mr. Arvind Shukla, Adv. General
Mr. Ajay K. Agrawal, Adv.

for UTs

Mr. D.S. Mahra, Adv.
Ms. Sunita Sharma, Adv.

State of Haryana

Mr. G.L. Sanghi, Sr. Adv.
Mr. Gopal Subramaniam, Sr. Adv.
Mr. Mahendra Anand, Sr. Adv.
Mr. Surya Kant Sharma, Adv.
Mr. Neeraj Kr. Jain, Adv.

State of Assam

Ms. Krishna Sarma, Adv.
Ms. Asha G. Nair, Adv.
Mr. V.K. Sidatharan, Adv.
for M/s. Corporate Law Group, Adv.

State of Sikkim

Mr. A. Mariarputham, Adv.
Ms. Aruna Mathur, Adv.
Mr. Anurag D. Mathur, Adv.
for M/s. Arputham, Aruna & Co., Adv.

State of MP

Mr. Vivek Tankha, Adv. General
M/s. Satish K. Agnihotri,
Rohit K. Singh, Anil K. Pandey, Adv.

For Arunachal Pradesh Mr. Anil Kr. Srivastava, Adv.

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State of Bihar

Mr. B.B. Singh, Adv.

Govt. of Pondicherry

Mr. V.G. Pragasam, Adv.

Mr. A.K. Srivastava, Sr. Adv.

Mr. A.P. Sahay, Adv.

Mr. Kuldip Singh, Adv.

Mr. S.S. Shinde, Adv.

Mr. V.N. Raghupathy, Adv.

Mr. P.K. Manohar, Adv.

Mr. A.D.N. Rao, Adv.

Dr. Ghanshyam Narain, Adv.

Mr. N. Ganpathy, Adv.

Mr. Anis Suhrawardy, Adv.

Mr. Abihit Sen Gupta, Adv.

Ms. Santosh Singh, Adv.

Mr. K.K. Rai, Adv.

Mr. P.N. Ramalingam, Adv.

Mr. Vishwajit Singh, Adv.

UPON hearing counsel the Court made the following
O R D E R

IA 827

Let Central Empowered Committee file its response to the affidavit dated 14.12.2002 filed on behalf of Ministry of Environment & Forest within three weeks. List on 14.2.2003.

IA 798

Reply by the respondent be filed within four weeks. List on 14.2.2003.

IA 745

Mr. ADN Rao, learned counsel states that out of 23

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accused in the murder of Sanjay Singh, some of them have been arrested and for remaining proceedings are being taken for declaration of proclaimed offenders and efforts made to apprehend them. List on 14.2.2003.

✓ IAs 782 to 784. 793 to 795 & 813 to 815.

The applications are referred to Central Empowered Committee which will respond thereto within six weeks. List on 14.2.2003.

I.A. 785:

The application is referred to Central Empower Committee for its suggestions.

IA 786

Issue notice to the Ministry of Environment. Mr. Rao will respond to the application. List th application on 14th February, 2003.

IA 799

Union of India will respond.

List the application on 14th February, 2003.

IA 804

We direct the Chief Secretary of the State of

... 9/-

Madhya Pradesh to file reply on or before 20th December 2002.

IA 805-806, 807-808, 809-810 and 811-812 ✓

Referred to the Central Empowered Committee for its suggestions.

Contempt Petition 479/2002 With IA No.1 in WP 202/95

The copy of the application be served on to the Amicus Curiae.

IA 836 ✓

Mr. Himanshu Shekhar, learned counsel accepts notice on behalf of Respondent No.4 and Mr. Rao, learned counsel accepts notice on behalf of respondent Nos. 1-3.

Counter affidavit be filed within four weeks. Rejoinder affidavit, if any, be filed in another two weeks.

Till further order, the operation of the order dated 20th August, 2002 shall remain stayed.

The above order will apply to similar other areas in the National Park. It would be the responsibility of the

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State Government to ensure the compliance of the same.

✓ Cont. P. 193/2001

We request Central Empowered Committee to give recommendations on the aspects which have been highlighted in the Report filed by the Principal Chief Conservator of Forests, Tamil Nadu within four weeks.

List the matter for hearing on 7th March, 2003 at 2.00 p.m.

* IAs 828, 833, 834-835, 837-838, 839, 840, 846 & 847

One of the aforesaid applications has been filed by the State of Rajasthan seeking modification or clarification to the effect that the order dated 29/30th October 2002 would be applicable only to illegal mines in the Aravalli hills. IA 840 has been filed by M/s. Gurgaon Sohna Mineral and Anr. seeking similar relief. Applications have also been filed by State of Haryana and other parties.

We have heard learned counsel. On 29th/30th October, 2002 this Court prohibited and banned the mining activities in the entire Aravalli hills. This ban, it was directed, is not limited only to the hills encircling Kote and Alampur villages but extends to the entire hill range of Aravalli from Haryana to Rajasthan. The Chief

Secretary, State of Haryana and State of Rajasthan were directed to ensure that no mining activity in the Aravalli hills is carried out, especially in that part which has been regarded as Forest Area or protected under the Environment (Protection) Act.

On consideration of the report of Central Empowered Committee dated December 14, 2002, we issue the following further directions:

(1) Mining may be permitted in Forest Areas where specific prior approval under Section 2 of the Forest (Conservation) Act, 1980 has been accorded by the Ministry of Environment and Forest, Government of India. However, in view of this Court's order dated 14.2.2000 passed in I.A.No. 548 no mining activity is permitted within areas which are notified as Sanctuary, National Park under Sections 18, 35 of the Wild Life (Protection) Act, 1972 or any Sanctuary, National Park or Game Reserve declared under any other Act or Rules made thereunder even if prior approval have been obtained from the MoEF under the F.C. Act in such an area.

(2) Under Notification dated 29th November, 1999 issued under Section 23 of the Environment (Protection) Act for certain Districts including Gurgaon District in the State of Haryana, the Ministry has delegated power to grant approval for mining purposes to the State. The

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mining activities are being regulated under the Notification dated 7th May, 1992 issued by the Ministry of Environment and Forest (Annexure A-1 in IA No.833). We direct that, for the time being, no mining shall be permitted within the areas of Gurgaon District in the State of Haryana where mining is regulated under the Notification dated 7.5.1992 issued under Section 3 of the Environment (Protection) Act, pursuant to permission granted after 29th November, 1999.

Meanwhile, the Central Empowered Committee which is examining the matter will give its suggestions within a period of six weeks. On the receipt of those suggestions, the prayers made by the applicants for modification of the order dated 29/30.10.2002 insofar as the Gurgaon District is concerned will be considered.

(3) No mining activity would be permitted in respect of areas where there is a dispute of applicability of F.C. Act, till such time the dispute is resolved or approval under the FC Act is accorded, in addition to order already passed in Writ Petition No.4677/1985.

// For the present, no mining will be permitted in the areas for which notification under Sections 4 and 5 of the Punjab Land Preservation Act 1900 have been issued for regulating the breaking up of the land etc. and such lands are or were recorded as "Forest" in Government records even if the notification period has expired,

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(114)

unless there is approval under the FC Act. //

Learned Attorney General and Solicitor General will assist the Court on the aforesaid aspects on the next date of hearing.

In respect of suggestion 7 and 8, the Union of India will respond on the next date of hearing.

The order dated 29/30th October, prohibiting and banning the mining activity in Aravalli hills from Haryana to Rajasthan is modified insofar as the State of Rajasthan is concerned to the following effect:

Wherever requisite approval/sanctions in the said State have been obtained under FC Act and EP Act, and the the mining is not prohibited under the applicable Acts or notifications or orders of the Court, mining can continue and to such mining the order aforesaid will not apply.

This order will be applicable to non-forest land covered for the period prior to the date of modification of the order dated 29th November 1999 in the State of Haryana.

This variation will not apply to the area in the Alampur District in the State of Haryana.

List the matter on 7th February, 2003 at 2 O'Clock.

WP(C) Nos. 672/1998 & 603/2000.

Adjourned to 7th February, 2003.

Sd/-
Sushma

Sd/-
(V.P. Tyagi)
Court Master

DH

W.P(C)No. 4677 OF 1985

L.....T.....T.....T.....T.....T.....T.....T.....T.....T.....T.....J

ITEM No.11

Court No. 1

SECTION PIL

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

IA No 22 in Writ Petition(Civil) No.4677/1985
with I.A. No.1206 in W.P.(C) No.4677/1985

M.C.MEHTA

Petitioner (s)

VERSUS

UNION OF INDIA & ORS.

Respondent (s)

[Re:Shifting of Industries from residential area of Delhi, New Delhi]
[with office report]

with

I.A. Nos.1204, 1205, 1224 in W.P.(C) No.4677/1985

with

I.A. No.1322 in I.A.No.22 in WP(C) No.4677/85
(for directions),

I.A. No.1323/2000 in I.A. No. 22 in W.P.(C) No.4677/1985
(re: Rajendra Ravindra Printers (P) Ltd.) (for directions)

with

W.P.(C) No.98/2000@@
CCCCCCCCCCCCCCCCCC

Poorvi Vishwas Ngr.S. Kalyan Samiti (Regd.)

Petitioner(s)

vs.

Union of India & Ors.

Respondent(s)

(with appln.(s) for directions)

with

I.A. No. 1367 in I.A. No. 22 in WP(C) No. 4677/1985
(re: Laghu Udyog Bharathi through its President Mr. G K Arora)
(for directions)

Date : 06/05/2002 These Petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE ARIJIT PASAYAT
HON'BLE MR. JUSTICE H.K. SEMA

Amicus Curiae Mr. Ranjit Kumar, Sr. Adv.

For Petitioner (s) Mr. M.C. Mehta, Adv.
Petitioner-in-person.(NP)

For Union of India/
Ministry of Mr. K C Kaushik, Adv.
Urban Development/
Ministry of Mr. S N Terdol, Adv.
Environment Ms. Anil Katiyar, Adv.
Mr. B V Balram Das, Adv.

.PA

:2:

For Govt. of NCT,Delhi Mr. D.N. Goburdhun, Adv.
 Ms. Pinky Anand, Adv.
 Ms. Geeta Luthra, Adv.

For MCD Ms. Indra Sawhney, Adv.

For DPCC Mr. R C Verma, Adv.
 Mr. D N Goburdhan, Adv.
 Mr. Mukesh Verma, Adv.

For NCRP Board Ms. Sheil Sethi, Adv.

For CPCB Mr. Vijay Panjwani, Adv.

For DDA Mr. V B Saharya, Adv. for
 M/s. Saharya & Co., Adv.
 Mr. Manik Karanjawala, Adv.(NP)
 Mr. Sushil Kumar Jain, Adv.(NP)

for Applicant(s)
 IA 1323 Mr. M L Lahoty, Adv.
 Mr. Paban K Sharma, Adv.
 Mr. Himanshu Shekhar, Adv.

IA 1367 Mr. Rakesh K Khanna, Adv.
 Mr. Reetesh Singh, Adv.
 Mr. Pawan, Adv.
 Mr. Surya Kant, Adv.

in WP 98/2000
 For Petitioner(s) Mr. Arif Mohd. Adv.
 Mr. Chander Bhan Garg, Adv.
 Mr. M A Chinnasamy, Adv.

For DVB Mr. Rakesh K Sharma, Adv.

For DJB Mr. N.K. Sahoo, Adv.
 Mr. Suresh C Tripathy, Adv.

for Govt. of NCT Delhi Mr. D N Goburdhun, Adv.
 Ms. Pinky Anand and Ms. Geeta Luthra, Adv.

UPON hearing counsel the Court made the following
 O R D E R

.....L.....I.....T.....T.....T.....T.....T.....T.....J

.SP2

It has been stated in the Status report that the work will be completed by September, 2002. A Progress Report should be filed within 12 weeks. List thereafter.

.SP1

Kalyani. (S.L. GOYAL)@@
 AA
 COURT MASTER @@
 A AA

.PA

L.....T.....T.....T.....T.....T.....T.....T.....T.....T.....J
 ITEM No.12 and Court No. 1 SECTION PIL
 ITEM No.49

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

IA No 1783 in IA 22 and IA 129 in Writ Petition(Civil) No.4677/1985

M.C.MEHTA

Petitioner (s)

VERSUS

UNION OF INDIA & ORS.

Respondent (s)

(for impleadment of Nirman and Pollution Control Sanstha (Regd.))

with

IA No 1784 in IA 22 and IA 129 in Writ Petition(Civil) No.4677/1985
(for directions)

IA No 1785 in IA 22 and IA 129 in Writ Petition(Civil) No.4677/1985
(for directions)

IA No 1786 in Writ Petition(Civil) No.4677/1985
(for impleadment on behalf of M/s. Raja Spring Works)

IA No 1787 in Writ Petition(Civil) No.4677/1985
(for impleadment/intervention on behalf of Mr. B.L. Saini)

IA No 1788 in Writ Petition(Civil) No.4677/1985
(for impleadment/directions on behalf of M/s. Welfare Automobiles)

IA No 1789 in Writ Petition(Civil) No.4677/1985
(for directions on behalf of M/s. Shakti Platers)

and Item No. 49

I.A. No. 1791 in I.A. No. 1531 in I.A. No. 22 in WP(C) No.4677/1985
(for directions)

Date : 06/05/2002 These Petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE ARIJIT PASAYAT
HON'BLE MR. JUSTICE H.K. SEMA

Amicus Curiae Mr. Ranjit Kumar, Sr. Adv.

For Petitioner (s) Mr. M.C. Mehta, Adv.
Petitioner-in-person.(NP)

For Union of India/
Ministry of Mr. K C Kaushik, Adv.
Urban Development/
Ministry of Mr. S N Terdol, Adv.
Environment Ms. Anil Katiyar, Adv.
Mr. B V Balram Das, Adv.

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For Govt. of NCT, Delhi Mr. D.N. Goburdhun, Adv.
Ms. Pinky Anand, Adv.

Ms. Geeta Luthra, Adv.

For MCD Ms. Indra Sawhney, Adv.

For DPCC Mr. R C Verma, Adv.
Mr. D N Goburdhan, Adv.
Mr. Mukesh Verma, Adv.

For NCRP Board Ms. Sheil Sethi, Adv.

For CPCB Mr. Vijay Panjwani, Adv.

For DDA Mr. V B Saharya, Adv. for
M/s. Saharya & Co., Advs.

State of Haryana Mr. Bharat Singh, Adv.
Mr. Neeraj Kr. Jain, Adv.
Mr. J P Dhanda, Adv.

for Applicant(s)
IA 1783 & 1784 Mr. Kunwar C M Khan, Adv.
Mr. Irshad Ahmad, Adv.

IA 1785 Mr. Kailash Vasdev, Sr. Adv.
Mr. K K Dhawan, Adv.
Mr. D S Mahra, Adv.

IA 1786, 1787 & 1788 Mr. Rajiv Dutta, Sr. Adv.
Mr. R Nedumaran, Adv.
Ms. Enakshi Kulshrestha, Adv.

IA 1789 Mr. Shakil Ahmed Syed, Adv.(NP)

IA 1791 Mr. Rakesh K. Khanna, Adv.
Mr. Surya Kant, Adv.

UPON hearing counsel the Court made the following
O R D E R

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IA Nos.1783 & 1784@@
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Issue notice. Mr. D.N. Goburdhun accepts notice.
Reply be filed within four weeks. Rejoinder be filed
within four weeks thereafter. List after eight weeks.

IA No. 1785@@
EEEEEEEEEEEE

Issue notice. Mr. Bharat Singh accepts notice.
Reply be filed within four weeks. Rejoinder be filed

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within four weeks thereafter. In the meantime, within 48
hours from today the Chief Secretary, Government of Hayana
is directed to stop all mining activities and pumping of
ground water in and from an area upto 5 kms from the
Delhi-Haryana border in the Haryana side of the Ridge and
also in the Aravalli Hills.

IA Nos. 1786, 1787 & 1788@@
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Supreme Court of India

M.C.Mehta vs Union Of India & Ors on 8 May, 2009

Author: S Kapadia

Bench: K.G. Balakrishnan, Arijit Pasayat, S.H. Kapadia

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
I.A. No. 1967 in I.A. No. 1785
IN
Writ Petition (C) No. 4677 of 1985

M.C. Mehta ... Petitioner(s)

versus

Union of India and Ors. ... Respondents

with

I.A. No. 1785, I.A. No. 2152 in I.A. No. 1785, I.A. Nos. 1962 & 2143 in
I.A. No. 1785, I.A. No. 2186 in I.A. No. 1785, I.A. No. 2168 in I.A. No.
1785 and I.A. No. 2385 in I.A. No. 1785.

with

I.A. No. 1465 and I.A. Nos. 2426-2427

IN

Writ Petition (C) No. 202 of 1995

T.N. Godavarman Thirumulpad ... Petitioner(s)

versus

Union of India and Ors. ... Respondents

JUDGMENT

S.H. KAPADIA, J.

Has the situation (optimization of land and ecological degradation in an area admeasuring approximately 448 sq. kms. in the Aravalli Hill Range falling in the Districts of Faridabad and Gurgaon including Mewat) predicted in para 89 of the Judgment in M.C. Mehta¹ case come about so as to warrant total stoppage of mining activity as stated in para 96(6) of the said judgment; and if so, what should be the duration of such ban/stoppage?

2. In this connection, at the very outset, we quote paras 89 and 96(6) of the said judgment, which read as follows:

"89. It may be reiterated that if, despite stringent conditions, the degradation of environment continues and reaches a stage of no-return, this Court may have to consider, at a later date, the closure of mining activity in areas where there is such a risk."

"96(6) The Aravalli hill range has to be protected at any cost. In case despite stringent conditions, there is an adverse irreversible effect on the ecology in the Aravalli hill range area, at a later date, the total stoppage of mining activity in the area may have to be considered. For similar reasons such step may have to be considered in respect of mining in Faridabad district as well."

3. History of the relevant Orders passed by this Court:

(i) On 6.5.2002 the following Order was passed:

"IA No. 1785

(2004) 12 SCC 118

2. Issue notice. Mr Bharat Singh accepts. Reply be

filed within four weeks. Rejoinder be filed within four weeks thereafter. In the meantime, within 48 hours from today the Chief Secretary, Government of Haryana is directed to stop all mining activities and pumping of groundwater in and from an area up to 5 km from the Delhi-Haryana border in the Haryana side of the ridge and also in the Aravalli hills." (emphasis supplied)

(ii) On 29/30.10.2002 the following Order was passed:

"ILLEGAL MINING IN ARAVALLIS ...We, prohibit and ban all mining activity in the entire Aravalli hills. This ban is not limited only to the hills encircling Kote and Alampur villages but extends to the entire hill range of Aravalli from Dholpur to Rajasthan. The Chief Secretary, State of Haryana and Chief Secretary, State of Rajasthan are directed to ensure that no mining activity in the Aravalli hills is carried out, especially, in that part which has been regarded as forest area or protected under the Environment (Protection) Act." (emphasis supplied)

(iii) On 31.10.2002 the following Order was passed:

"IA No. 1785 in IA No. 22 and in WP No. 4677 of 1985, all IAs and WPs on board It is represented that applications have been filed with regard to environment impact assessment, and for approval of plans with regard to the mining activity which was

proposed by the applicants/leaseholders. The said applications have to be dealt with in terms of the notification dated 27-1-1994 of the Ministry of Environment and Forests. The said notification relates to environment impact assessment of development projects. It appears that environment clearance has not been obtained and the learned counsel submit that the applicants/leaseholders cannot be faulted for this.

It is quite obvious that on the principle of sustainable development, no mining activity can be carried out without remedial measures taking place. For this purpose, it is necessary that environment impact assessment is done and the applications dealt with before any mining activity can be permitted.

Counsel will give on the next date of hearing list of applications which were filed, so that the Ministry of Environment can be put to notice and be required to deal with those applications and to dispose of them within a period to be specified by this Court.

Liberty to file additional affidavits given.

The State of Haryana will also explain on the next date of hearing as to whether royalty payable to the villages has been given or not.

To come up on 25.11.2002."

(iv) On 16.12.2002 the following Order was passed:

"IAs 828, 833, 834-835, 837-838, 839, 840, 846 & 847 One of the aforesaid applications has been filed by the State of Rajasthan seeking modification or clarification to the effect that the order dated 29/30th October 2002 would be applicable only to illegal mines in the Aravalli hills. IA 840 has been filed by M/s. Gurgaon Sohna Mineral and Anr. seeking similar relief. Applications have also been filed by State of Haryana and other parties.

We have heard learned counsel. On 29th/30th October, 2002 this Court prohibited and banned the mining activities in the entire Aravalli hills. This ban, it was directed, is not limited only to the hills encircling Kote and Alampur villages but extends to the entire hill range of Aravalli from Haryana to Rajasthan. The Chief Secretary, State of Haryana and State of Rajasthan were directed to ensure that no mining activity in the Aravalli hills is carried out, especially in that part which has been regarded as Forest Area or protected under the Environment (Protection) Act.

On consideration of the report of Central Empowered Committee dated December 14, 2002, we issue the following further directions:

(1) Mining may be permitted in Forest Areas where specific prior approval under Section 2 of the Forest (Conservation) Act, 1980 has been accorded by the Ministry of Environment and Forest, Government of India. However, in view of this Court's order dated 14.2.2000 passed in I.A.No. 548 no mining activity is permitted within areas which are notified as Sanctuary, National Park under Sections 18, 35 of the Wild Life (Protection) Act, 1972 or any Sanctuary, National Part or Game Reserve declared under any other Act or Rules made thereunder even if prior approval have been obtained from the MOEF under the F.C. Act in such an area.

(2) Under Notification dated 29th November, 1999 issued under Section 23 of the Environment (Protection) Act for certain Districts including Gurgaon District in the State of Haryana, the Ministry has delegated power to grant approval for mining purposes to the State. The mining activities are being regulated under the Notification dated 7th May, 1992 issued by the Ministry of Environment and Forest (Annexure A-1 in IA No.

833). We direct that, for the time being, no mining shall be permitted within the areas of Gurgaon District in the State of Haryana where mining is regulated under the Notification dated 7.5.1992 issued under Section 3 of the Environment (Protection) Act, pursuant to permission granted after 29 November, 1999.

Meanwhile, the Central Empowered Committee which is examining the matter will give its suggestions within a period of six weeks. On the receipt of those suggestions, the prayers made by the applicants for modification of the order dated 29/30.10.2002 insofar as the Gurgaon District is concerned will be considered.

(3) No mining activity would be permitted in respect of areas where there is a dispute of applicability of F.C. Act, till such time the dispute is resolved or approval under the FC Act is accorded, in addition to order already passed in Writ Petition No. 4677/1985.

For the present, no mining will be permitted in the areas for which notification under Sections 4 and 5 of the Punjab Land Preservation Act 1900 have been issued for regulating the breaking up of the land etc. and such lands are or were recorded as "Forest" in Government records even if the notification period has expired, unless there is approval under the FC Act.

Learned Attorney General and Solicitor General will assist the Court on the aforesaid aspects on the next date of hearing.

In respect of suggestion 7 and 8, the Union of India will respond on the next date of hearing.

The order dated 29/30th October, prohibiting and banning the mining activity in Aravalli hills from Haryana to Rajasthan is modified insofar as the State of Rajasthan is concerned to the following effect:

Wherever requisite approval/sanctions in the said State have been obtained under FC Act and EP Act, and the mining is not prohibited under the applicable Acts or notifications or orders of the

Court, mining can continue and to such mining the order aforesaid will not apply.

This order will be applicable to non-forest land covered for the period prior to the date of modification of the order dated 29th November 1999 in the State of Haryana.

This variation will not apply to the area in the Alampur District in the State of Haryana.

List the matter on 7th February, 2003 at 2
O'Clock." (emphasis supplied)

I. Reasons behind Order dated 29/30.10.2002 imposing total ban:

4. The question to be answered at the outset is why did this Court impose a complete ban on mining in the Aravalli range falling in the State of Haryana which broadly falls in District Gurgaon and District Faridabad including Mewat? The statistical data placed before this Court indicated that, in October, 2002, twenty six mines were inspected which indicated wide scale non-compliance of statutory Rules and Regulations applicable to mines. Broadly stated, most of these mines failed to obtain environmental clearances. Most of these mines failed to submit environmental management plan. In some cases, the status of mining indicated below groundwater table. Mining pits were turned into huge groundwater lakes. No efforts were made to create plantation. Broadly, these were silica sand mines. In some cases, even groundwater stood extracted. Deep mining pits with large water bodies were detected. Huge amounts of overburden were also seen in the area. These are some of the defects which were highlighted by EPCA in various Reports as far back as October, 2002. These non-compliances have also been highlighted with the names of the mines meticulously in para 18 of the judgment in the case of M.C. Mehta (supra). It is important to note that by Notification dated 7.5.1992 issued by MoEF under Section 3(2)(v) of the Environment (Protection) Act, 1986 ("EP Act" for short), as amended, all new mining operations including renewal leases stood banned. The Notification further laid down the procedure for taking prior permission before undertaking mining activity. At this stage it may be noted that by Notification dated 27.1.1994 as amended on 4.5.1994 issued by MoEF under Section 3(2) of the EP Act, 1986 read with Rule 6, Environment Impact Assessment ("EIA") before commencement of any mining operation became mandatory. Therefore, by Order dated 29/30.10.2002, when this Court found large scale mining without Approved Plans, it decided to ban all mining activities in the Aravalli Range.

II. Fall out of the Order dated 29/30.10.2002:

5. After Order dated 29/30.10.2002, I.As. were moved saying that applications have been filed for EIA and for approval of plans and it is at this stage that this Court ordered that no mining activity could be carried out without remedial measures being taken and for that purpose, it was necessary that EIA had to be done before any mining activity could be permitted. (see 2004 (12) SCC 118 at p.185).

6. At this stage, one event needs to be highlighted. The powers vested in the Central Government in terms of Notification dated 7.5.1992 were delegated to State Government concerned, namely, Rajasthan and Haryana, vide Notification dated 29.11.1999. But the delegation in favour of the State stood withdrawn when it was found that most of the mines in the State were operating in violation of Approved Plans. In most cases, mining operations were carried out unscientifically with the sole aim of maximizing profits which resulted in indiscriminate scattering of the overburden, wasteful manner of mining with complete disregard to mineral conservation aspect, rendering reclamation of mined area impossible. This Court further found that mining leases were granted by the State in areas where plantations were undertaken with the financial assistance provided by international donor agencies. That, mining was permitted in a manner which was destroying the groundwater table as also causing irreparable damage to the critical groundwater reserves. That, there was no effective mechanism to ensure compliance of various conditions stipulated while giving approvals and, lastly, no deterrent action was taken against mines for serious violations and non-compliance of conditions were found.

III. Consequences of Continuous Violation of the Rules:

7. As stated above, Notification dated 7.5.1992 was passed with a view to strictly implement the measures to protect the ecology of the Aravallis range. It was followed more in its breach. The Aravallis, the most distinctive and ancient mountain chain of Peninsular India, mark the site of one of the oldest geological formations in the world. Due to its geological location, desertification is stopped and it prevents expansion of the desert into Delhi. On account of extensive mining on a disproportionate scale without taking remedial measures has resulted irreversible changes in the environment at Aravalli. It is in the aforesaid background that any mining activity came to be banned under Order dated 29/30.10.2002. Even as far back as 2002, the environmental problems in the Aravalli range in Gurgaon district came to be identified. Remedial measures including pollution control guidelines and action plan for various stakeholders came to be suggested by CMPDI. Though guidelines for mining operations came to be issued by the State Government, the compliance was not there. Moreover, there was no mechanism to upgrade the mining technologies to minimize the impact due to mining in the eco-sensitive zones. CMPDI also noticed that in the Aravalli Hills a large number of activities, operations of stone crushers and deforestation had caused environmental degradation even in 2002 which is clear from para 63 of the above judgment in M.C. Mehta case (supra) and the tragedy is that despite all warnings, the mines continued their operations without Environment Management Plan. That, right from 18.3.2004, when this Court pronounced the judgment in M.C. Mehta case (supra), till date, number of Reports came to be submitted as the Court tried to balance mining activity on one hand with protection of environment on the other hand. In fact, in para 57 of the said judgment, this Court stated that so long as it is possible to undertake mining operations on the sustainable development principle, the Court should not impose complete ban on mining as it generates revenue for the State. However, vide para 89, a warning was given that if despite imposition of stringent conditions, the degradation of environment continuous and reaches a stage of no-return, then this Court may have to consider at a later date the closure of mining activity. This prediction has come true. The consequence is that the State now has decided to close the mining activity. Para 89 is also important from another angle. The judgment in M.C. Mehta case (supra) has left it to this Court to consider at a later date the closure of mining

activity. Even in para 96(6), this Court observed that mining activity can be permitted only on the basis of sustainable development and on compliance with stringent conditions as the Aravalli Hill Range has to be protected at any cost and in case despite stringent conditions, mining results in an irreversible consequence on the ecology in the said area then at a later date the total stoppage of mining activity may have to be considered. In other words, in the judgment of this Court in M.C. Mehta case (supra) decided on 18.3.2004, a window was left open for this Court to impose complete ban on mining operations if emergent situation arises. The decision to ban/suspend mining in the above area has been taken by State of Haryana (see Minutes of the Meeting dated 7.1.2009 annexed as Exhibit R/4 to the Second Report dated 15.1.2009 of CEC). In the said meeting held on 7.1.2009, a consensus has been reached between CEC and the State of Haryana to declare the entire Aravalli Hill Range falling in the Districts of Faridabad and Gurgaon including Mewat as a "Prohibited Zone" so far as mining of major mineral is concerned. The decision of State of Haryana is also supported by MoEF, as submitted by Shri Parag Tripathi, learned Additional Solicitor General. IV. Breach of Relevant Rules and Consequences thereof:

(a) Mining Projects:

8. Nature has endowed India with a wide variety of temperate and tropical forests. The Earth has not only provided ridges, fauna, flora to India but immense mineral treasures with great potential for economic exploitation. At the same time, our economy is facing problems on account of rising population, indiscriminate industrialization, unsustainable exploitation of natural resources etc. Mining sector is regulated by a large number of environment and forest statutes. The Water (Prevention and Control of Pollution) Act, 1974; Air (Prevention and Control of Pollution) Act, 1981 and Environment (Protection) Act, 1986 were enacted to implement the decisions taken in United Nations Conference on Human Environment in 1972 at Stockholm. These environment and forests statutes interact with mining regulations under Mines and Minerals (Development and Regulation) Act, 1957; Mineral Concession Rules, 1960; Mineral Conservation and Development Rules, 1988. On account of depletion of the forest cover, we have the Forest (Conservation) Act, 1980, which was enacted to regulate the diversion of forest area for non-forest purposes. Similarly, under the EP Act, 1986 we have several notifications, including Environment Impact Assessment Notification 1994. At the same time, mining comes under the purview of large number of mining statutes which are required to be implemented inter alia by State Forest Departments, State Pollution Control Boards, Forest Advisory Committee(s), MoEF etc. The grant of mining leases (major and minor minerals both, including quarry leases, quarry permits, short term permits etc.) inside forest areas coming under the purview of Section 2(ii) of Forest (Conservation) Act, 1980. It applies to mining leases. It is important to note that in order to operate mining inside the forest area, the lessee is required to possess clearances under Mines and Minerals (Development and Regulation) Act, 1957 ("1957 Act"); under Section 2(ii) of Forest (Conservation) Act, 1980; and to Environment Clearance under EIA Notification which applies to mining of major minerals and to the areas exceeding 5 hectares. In case of mining projects, a Site Clearance is also required which is issued either by the Central Government or the State Government depending upon the area of land let out on lease. Further, Section 2(ii) of Forest (Conservation) Act, 1980 prohibits grant or renewal of mining lease without prior approval of Central Government.

(b) Mining Plan:

9. Mining plan is prepared with the object of providing a systematic working of mine after considering every aspect of the background information, plant, machinery, method of working, object of mining, mining operations and reclamation of mined out areas. It is a mandatory document comprising information about leasehold area showing nature and extent of mineral body, prospecting data, details of geology including mineral reserves, method of mining, manual mining, mechanised mining, nature and extent of water bodies, forest areas, density of the trees, protective areas, environment impact assessment of mining activity on forest, land surface, details of ecological restoration of area, land reclamation, use of pollution control devices and plans for excavation from year to year for 5 years and such matters and measures as may be directed by the Central Government or the State Government (see Handbook of Environment & Forest Legislations, Guidelines and Procedures in India by Ravindra N. Saxena and Sangita Saxena at p. 1529). The concept of mining plan applies to cases of mining of major minerals.

(c) Environmental Management Plan:

10. Rule 22(5) of Mineral Concession Rules, 1960 provides for various components of a mining plan. Every mining plan has to indicate limits of reserves, density of trees, assessment of impact of mining activity on forests, land surface and scheme for restoration of the area by afforestation, land reclamation and such other measures as may be directed by the Central Government from time to time. The mining plan includes Environmental Management Plan which must indicate the area degraded due to quarrying, dumping etc., a statement on Environment Impact Assessment giving details of the impact of mining on environment over a period of next 5 years, details regarding abandoned quarries/pits, measures to control erosion of watercourses, treatment and disposal of water from the mines and reclamation of mined out areas (see Handbook of Environment & Forest Legislations, Guidelines and Procedures in India by Ravindra N. Saxena and Sangita Saxena at pp. 1544-46).

(d) Breaches:

11. As stated above, as far back as 18.3.2004 this Court noticed that in large number of cases no requisite clearances for mining operations were obtained. No environmental management plan was prepared. In some cases, mining operations were carried out below groundwater table. Groundwater was even extracted without obtaining clearances [see M.C. Mehta's case (supra)] The paradox is that there is no dearth of enactments, the problem lies in non-compliance and as a result mining on extensive scale without Approved Plans and without taking remedial measures has led to land and ecological degradation. At this stage, one point needs to be highlighted. Over the years, the focus was on individual mining leases. Over the years, this Court tried to balance mining operations vis-a-vis environmental protection. Even after noticing non-compliance of above Rules as far back as 2004, this Court, after sounding a warning to the existing mines to comply with the Rules, did not suggest a complete ban on mining operations so long as it was possible to undertake such operations on the principles of sustainable development. However, the position did not improve. The position worsened. In the circumstances, the Court has now decided not to focus only on individual sites but

to take a macro view of the matter, particularly while deciding the question of suspending mining operations. The Court is required to take a holistic view. It is important to note that most of the Applicants who are seeking to mine today in the virgin areas have mined out areas in the past without taking remedial measures. They have abandoned the sites after mining without rehabilitation of the degraded lands and the consequence is devastation. As stated above, in 2004 this Court detected many cases where operations were done without proper environment management plan, mining plan etc. In this Order we are not examining faults of individual user agencies. Suffice it to state that when these mines operated without proper clearances in the past they have left pits/quarries without reclamation and without compliance of the provisions of the mining plan. Today, it is too late in the day to say that leases granted subsequently complies with various clearances because these lessees which operated mines earlier have left the pits/quarries open to the sky without taking remedial measures including reclamation. In this Order what we are emphasising is extensive mining and not individual un-authorized mining because even in the case of former no steps to re-habilitate was ever taken. The result is that mining operations have been carried out on a disproportionate scale in the Aravalli Hill mainly in Gurgaon and Faridabad including Mewat in the State of Haryana. The satellite images indicate the devastation caused to the area by the extensive mining operations. Extraordinary situation demands extraordinary remedies. In the circumstances, we are of the view that mining operations should be immediately suspended in the above Area.

V. Net Effect of Orders passed by this Court earlier on 6.5.2002, 29/30.10.2002; 16.12.2002, 13.4.2006 and Judgment dated 18.3.2004 in M.C. Mehta's case:

12. One of the points argued on behalf of the lessees before us was that on 6.5.2002 this Court directed State of Haryana to stop all mining operations in and around an area up to 5 km. from Delhi-Haryana border on the Haryana side of the ridge and in Aravalli hills. That, after considering the second Monitoring Report of CEC dated 28.10.2002 a complete ban was imposed on mining in the Aravalli hills vide Order dated 29/30.10.2002, which stood modified and clarified on 16.12.2002. According to the lessees after the Order dated 16.12.2002 there was no prohibition on mining. According to the lessees despite wide scale degradation being noticed by this Court in M.C. Mehta case (supra) this Court did not impose complete 2004 (12) SCC 188 In I.A. No. 827 etc. in W.P.(C) No. 202/95 2003 (1) SCALE 4 2006 (11) SCC 582 at para 5 2004 (12) SCC 118 ban on mining operations but, on the contrary, this Court issued guidelines vide para 96 of the said judgment. It was argued that in the circumstances this Court cannot go behind Judgment and Order dated 18.3.2004 in M.C. Mehta case (supra).

13. We find no merit in this argument. To decide this point, we quote hereinbelow para 8 of the Order dated 13.4.2006 reported in 2006 (11) SCC 582:

"We have examined the orders dated 6.5.2002, 29/30.10.2002, 16.12.2002, the judgment dated 18.3.2004 in M.C. Mehta and affidavits placed on record. It seems clear that the order dated 6.5.2002 was confined to the limit of 5 km and did not prohibit mining in the entire Aravalli hills in the State of Haryana. The mining in the entire Aravalli hills was prohibited and banned by the order dated 29/30.10.2002.

This order was, however, modified and clarified on 16.12.2002."

14. We also quote para 96 of the judgment in M.C. Mehta case (supra) which reads as follows:

"a) no mining can be carried out where the mine owners have reached the water table. (In fact this Court recorded in para 84 the undertaking given by mine lessees not to mine in the area where water table had been reached during mining).

(b) no mining can be carried on in areas which are subject matter of notifications under Section 4 and/or 5 of the Punjab Land Preservation Act, 1900. However, even in these areas mining can take place after seeking permission under section 2 of the Forest (Conservation) Act. (see para 89);

(c) No mining can be carried on in areas where plantations have been undertaken under the Aravalli project (EU funded project); and

(d) Environmental clearance is mandatory under the Environment Notification dated 27.1.1994."

15. It is true that, complete ban was imposed on mining Aravalli hills vide Order dated 29/30.10.2002, which came to be modified by Order dated 16.12.2002 and it is equally true that, vide judgment in M.C. Mehta case (supra), this Court observed that it was not suggesting a complete ban on mining operations so long as it is possible to undertake mining operations on the sustainable development principle (see para 57). At the same time, in paras 89 and 96(6) of the judgment dated 18.3.2004 this Court specifically suggested that if degradation of environment continues and reaches the stage of no return, this Court may consider closure of mining activities. In other words, a gateway was provided for this Court to impose the ban in future if degradation of environment becomes irreversible. VI. Contentions and Answers thereto:

16. In I.A. No. 1967/06, it has been submitted by Shri Anil Diwan, learned senior counsel appearing on behalf of the lessee (M/s Sethi Brothers) that the order dated 6.5.2002 was passed in I.A. No. 1785/01 moved by Delhi Ridge Management Board complaining of falling water level in the sanctuary near Delhi-Haryana border. On account of the falling water levels, the said order dated 6.5.2002 came to be passed, consequently, mining activities within 5 km in the Districts of Faridabad and Gurgaon including Mewat came to a halt. Later on, the concerned lessees moved an application for modification of the above order on which application this Court directed EPCA to inspect the mines within 5 km and to give its report. EPCA conducted 2 inspections and gave its report, which are set out in the judgment in M.C. Mehta case (supra) dated 18.3.2004. The CEC also gave three reports which are set out in the said judgment. According to the learned counsel, after referring to the Reports, vide para 96, this Court gave directions, which made environmental clearance mandatory under environment Notification dated 27.1.1994. This Court also appointed Monitoring Committee to inspect individual mines. According to the learned counsel, in the above judgment in M.C. Mehta case (supra), this Court had noticed violation by leaseholders and after extensive analysis of the provisions of 1957 Act observed that the Court needs to balance the twin

objectives of mining based on the principle of sustainable development. According to the learned counsel, even under various reports submitted by CEC, the Committee did not recommend a ban on mining within 5 km. but it recommended a ban up to 2 km from Badkhal Lake. However, EPCA recommended a ban of 5 km from Delhi-Haryana border, which according to the learned counsel, came to be rejected by this Court by issuing directions, as mentioned hereinabove. It is further pointed out that apropos the directions contained in the judgment in M.C. Mehta case (supra) the Monitoring Committee inspected the mines. There was difference of opinion between the members. The official members of that Committee, however, recommended resumption of mining activities according to the guidelines laid down in the above judgment in M.C. Mehta case (supra). In short, it was submitted on behalf of the lessees that at no point of time this Court suggested or recommended or imposed ban of mining operations even after noticing non-compliance of the Rules. Therefore, according to the learned counsel, in the present case, banning should be resorted to only if there are no other options left. Further, according to the learned counsel, a ban can be placed only if material is brought on record to indicate so called devastation to the ecology as pleaded by the learned amicus curiae. According to the learned counsel, in the present case, there is no such material justifying a complete ban on mining operations. It is also urged by the learned counsel that in pursuance of the directions contained in para 96 of the judgment, MoEF considered applications submitted by Sethi Brothers for EIA and after extensive deliberations, MoEF granted environmental clearance to its two projects on the ground that the leases had not reached the water table, that the leases were not subject matter of Notifications under Section 4 and 5 of the Punjab Land Preservation Act, 1900 and that no mining has been carried out in areas where plantation has been undertaken.

17. We do not find merit in these arguments. As stated hereinabove, after taking a macro view based on the satellite images, we have come to the conclusion that this matter needs to be looked at holistically. This exercise which we have undertaken is not project-specific. Moreover, Sethi Brothers might have obtained clearances for two projects as of date but in the past they have carried out mining operations, which according to the learned amicus curiae, has been done without complying with the aspect of Rehabilitation. In this connection, it is important to note that in para 18 of the judgment in M.C. Mehta case (supra), this Court detected Sethi Brothers operating in a different sites in the Area without requisite clearances and without environmental management plan. Number of sites have been excavated in the past without clearances, which is indicated in para 18 of the said judgment. It is on account of absence of remedial measures qua those sites that today environment and ecology which are national assets and which are governed by inter-generational equities stand devastated and which leaves no option to the Court but to ban the mining operations till remedial measures are taken and duly certified by the various competent authorities which are in-charge of granting clearances. As stated above, even in the case of M.C. Mehta (supra) it has been categorically observed that if despite stringent conditions, the degradation of environment continues and reaches a stage of no return then the Court may consider closure of mining activity in the area. Over the years, this Court has given latitude to user agencies with the hope that they would comply with stringent conditions including taking of remedial measures but that hope stands belied. Hence, we find no merit in the above contentions advanced on behalf of Sethi Brothers. We make it clear that by this Order the ban will not be confined only to 5 km. but it would cover the entire Aravalli Hill range within the State of Haryana in which mining operations are being carried out.

(i.e. area admeasuring approximately 448 sq. kms. falling in the Districts of Faridabad and Gurgaon including Mewat.)

18. On the legal parameters, Shri Diwan and Shri Venugopal, learned senior counsel and Shri S.K. Dubey, learned counsel, submitted that where law requires a particular thing to be done in a particular manner, it must be done in that manner and other methods are strictly forbidden. In this connection, it was urged that when Section 4A postulates formation of an opinion by the Central Government, after consultation of the State Government, in the matter of cancellation of mining leases in cases of environmental degradation, the power needs to be exercised by the State Government upon receipt of request from the Central Government. According to the learned counsel, therefore, this Court cannot cancel the mining leases if there is alleged environmental degradation as submitted by the learned amicus curiae. It was further submitted that measures under Section 3(2)(v) of EP Act, 1986 to restrict areas in which industries shall or shall not be carried out can only be undertaken by the Central Government where it deems expedient to protect and improve the quality of environment. In fact, according to the learned counsel, when Aravalli's Notification was issued on 7.5.1992 it was issued under Section 3(2)(v) by the Central Government. At that time, the Central Government thought it fit not to place a complete ban but to permit the industries in the mining sector to carry on its business/operations subject to restrictions enumerated in the said Notification. It was lastly submitted that the recommendations of CEC to impose complete ban on mining, particularly in cases where environmental clearances are obtained would amount to an exercise of power outside the 1957 Act and the Rules framed thereunder. That, this Court cannot exercise powers under Article 142 of the Constitution when specific provisions are made under various Forest and Environmental laws dealing with the manner and procedure for cancellation/termination of mining leases.

19. We find no merit in the above arguments. As stated above, in the past when mining leases were granted, requisite clearances for carrying out mining operations were not obtained which have resulted in land and environmental degradation. Despite such breaches, approvals had been granted for subsequent slots because in the past the Authorities have not taken into account the macro effect of such wide scale land and environmental degradation caused by absence of remedial measures (including rehabilitation plan). Time has now come, therefore, to suspend mining in the above Area till statutory provisions for restoration and reclamation are duly complied with, particularly in cases where pits/quarries have been left abandoned. Environment and ecology are national assets. They are subject to inter-generational equity. Time has now come to suspend all mining in the above Area on Sustainable Development Principle which is part of Articles 21, 48A and 51A(g) of the Constitution of India. In fact, these Articles have been extensively discussed in the judgment in M.C. Mehta's case (supra) which keeps the option of imposing a ban in future open. Mining within the Principle of Sustainable Development comes within the concept of "balancing" whereas mining beyond the Principle of Sustainable Development comes within the concept of "banning". It is a matter of degree. Balancing of the mining activity with environment protection and banning such activity are two sides of the same principle of sustainable development. They are parts of Precautionary Principle.

20. At this stage, we may also note that under Section 13(2)(qq) of 1957 Act, Rules have been framed for rehabilitation of flora and other vegetation destroyed by reason of any prospecting or mining operations. Under Section 18 of the 1957 Act, Rules have been framed for conservation and systematic development of minerals in India and for the protection of environment by preventing or controlling pollution caused by prospecting or mining operations which also form part of Mineral Concession Rules, 1960 and Mineral Conservation and Development Rules, 1988. Under Rule 27(1)(s)(i) of Mineral Concession Rules, 1960 every lessee is required to take measures for planting of trees not less than twice the number destroyed by mining operations. Under Mineral Conservation and Development Rules, 1988, vide Rule 34, mandatory provisions for reclamation and rehabilitation of lands are made for every holder of prospecting licence or mining lease to be undertaken and that work has to be completed by the lessee/licensee before abandoning the mine or prospect. Similarly, under Rule 37 of Mineral Conservation and Development Rules, 1988 the lessee/licensee has to calibrate the air pollution within permissible limits specified under EP Act, 1986 as well as Air (Prevention and Control of Pollution) Act, 1981. Under the said Rules 1988, the most important Guideline is Guideline No. 25.26.3, 25.26.4, 25.26.5 and 25.26.6. This Guideline deals with reclamation, planning and implementation, restoration strategy, principles of rehabilitation, rehabilitation of mined out sites and methods of reclamations. (see Handbook of Environment & Forest Legislations, Guidelines and Procedures in India by Ravindra N. Saxena and Sangita Saxena at pp. 1555-1562). It may be noted that there are two steps to be taken in the method of reclamation, namely, technical reclamation and biological reclamation. The most important aspect of the above guideline is making of a Rehabilitation Plan.

Conclusion:

21. None of the above provisions have been complied with. In the circumstance, by the present order, we hereby suspend all mining operations in the Aravalli Hill Range falling in the State of Haryana within the area of approximately 448 sq. kms. in the Districts of Faridabad and Gurgaon including Mewat till Reclamation Plan duly certified by State of Haryana, MoEF and CEC is prepared in accordance with the above statutory provisions contained in various enactments enumerated above as well as in terms of the Rules framed thereunder and the Guidelines. The said Plan shall state what steps are needed to be taken to rehabilitate (including reclamation) followed by Status Reports on steps taken by the Authorities pursuant to the said Plan.

22. The question still remains as to whether we should grant permission to the State of Haryana to excavate minor minerals from a localized area of 600 hectares out of 448 sq. kms. (approx.) for purposes of excavating construction material which is needed for construction of houses, sports complexes and other buildings. In this connection, we may state that on this part the hearing will take place after the summer vacation. Accordingly, I.A. No. 1967 in I.A. No. 1785, I.A. No. 2186 in I.A. No. 1785 in Writ Petition (C) No. 4677/85 and I.A. No. 1465 in Writ Petition (C) No. 202/95 and other I.As., which have opposed imposition of ban on mining of major minerals stand disposed of. The I.As. which deal with mining of minor minerals are adjourned beyond summer vacation.

.....CJI (K. G. Balakrishnan)J.

(Dr. Arijit Pasayat)J.

(S. H. Kapadia) New Delhi;

May 8, 2009

Speed Post.

Annexure 7

From: The Director Mines and Geology, Haryana.

To: All the field officers in the State
Rohatak.

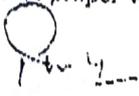
Memo. No. Glg. HY/Ord clay/STP. 89
of 11/11/2007
9-1-07

Subject: Grant of STP's for the extraction of ordinary clay.

Till such time long term contracts for the extraction of ordinary clay could be granted, State Government have decided to allow to grant STP's for the extraction of ordinary clay as per rule 24 of Punjab Minor Mineral Concession Rules, 1964 to the land owners or to the persons having consent of the land owners, on payment of royalty @ rate prescribed in the State Rules i.e. Rs. 5 per M.T. STP's should be granted on Following additional conditions:-

1. Maximum depth allowed for the extraction of ordinary clay shall not exceed 5 feet. A buffer zone of 5 feet be left from adjoining areas, so as to ensure that adjoining land is not effected by extraction of ordinary clay.
2. The ordinary clay STP holders shall not be allowed to extract ordinary clay from the areas already on contract for other minerals like sand etc.
3. No extraction of ordinary clay shall be allowed from controlled areas without prior permission of Town and Country Planning Department, Haryana.
4. No excavation shall be carried out in areas notified under Section 4 and 5 of PLPA, 1900 or Aravalli Project Plantations.
5. In the district of Gurgaon no excavation of ordinary clay shall be allowed to undertaken, from the area covered under notification dated 7.5.1992 of MOEF, Govt. of India.
6. The area of Short Term permit should be compact and preferably rectangular. The site plan of the area with detail of land shall be submitted by applicant along with application.
7. Excavation shall not be carried out in the outer periphery of the area, to a distance equal to the depth of excavation, in order to ensure that it does not cause any damage to the adjoining lands.
8. Maximum two numbers of permits shall be granted in a village at any given point of time.
9. Excavation in any contiguous area/site should be less than 5 hect, if the area applied for STP is more than 5 hect, then STP holder will have to seek prior environmental clearance as per notification dated 14.9.2006 issued by MOEF, GOI or NOC from competent authority.
10. The Short Term permits shall be granted preferably only for the unarable lands or sand dunes available in village.
11. Short Term Permit holder shall level the area after excavation of ordinary clay upto 5 feet.
12. If excavation of the quantity of ordinary clay for which Short Term permit is granted could not be carried out within the period of 30 days of STP, further excavation shall be allowed only on grant of fresh permit.

In view of above, you are hereby directed to grant STP's for extraction of ordinary clay and ensure that no excavation of ordinary clay does take place without valid STP. Further STP holders shall not dispose of ordinary clay without proper weighment slips, so that proper record of quantity detailed could be maintained.


Mining Engineer,
for Director Mines and Geology, Haryana.