

PROGRESS REPORT OF THE COMMITTEE WITH REFERENCE TO OA NO. 37/2020 (WZ) (SAYYED MOHAMMAD SABIR USMAN & ORS VS. UNION OF INDIA AND ORS) IN COMPLIANCE OF ORDER DATED 29.08.2023.

BACKGROUND:

An Original Application No. 37/2020 (WZ) (Sayyed Mohammad Sabir Usman & Ors vs. Union of India and Ors) was filed in Hon'ble National Green Tribunal (NGT) alleging operation of 03 black trap mining units and two stone crusher units without implementing provisions of environmental laws. In this matter, Hon'ble NGT, Principal Bench (PB), New Delhi passed an Order dated 15.12.2020 to constitute a Joint Committee for submission of factual and action taken report. In compliance of the said order, the Joint Committee formed has submitted the report in December 2021. Thereafter matter is heard and various orders are passed by the Hon'ble NGT. Subsequently, Hon'ble NGT, PB, New Delhi passed an order dated 29.08.2023 in the matter. Part of the order reads as,

" we deem it appropriate to constitute a Committee comprising one Member each of:-

- (i). The Ministry of Environment, Forest & Climate Change (MoEF&CC);*
- (ii). The Central Pollution Control Board (CPCB);*
- (iii). The State Wildlife Department;*
- (iv). The Director, Gir Sanctuary; and*
- (v). The Gujarat State Pollution Control Board.*

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18. The Committee is directed to visit the site and submit a report within a period of two months on following points:-

- (i). Identify all the mines;*
- (ii). Date from which these mines are operating;*
- (iii). The quantity of the extracted minerals within the time period of lease yearwise;*

(iv). *Whether necessary permissions were taken from the appropriate authorities;*

(v). *Quantity mined by these units in violation; and*

(vi). *An environmental damage cost by these units shall be quantified and compensation be arrived at for the same..... “*

Accordingly, a joint Committee is constituted (Annexure I) to inspect 76 units allegedly involved in illegal mining in Gir Somnath district of Gujarat.

TASK IDENTIFIED FOR COMPLIANCE

Based on the tasks assigned by Hon'ble NGT, the Committee held a meeting prior to visiting the site with Mine Supervisors of Gir Somnath, District and ACF, Jamvala Subdivision, Gir (W) Division to collect the records available for all 76 units/ mines. Based on available records, the committee identified following tasks for compliance of the order of Hon'ble NGT dated 23.08.2023.

- a) Consents, Authorizations and Clearances issued by competent authority to carryout industrial activity.
- b) Compliances and/or Violations of consents/clearances/authorizations granted by the competent authority.
- c) Present status of the units.
- d) Pollution Control Measures adopted by the units.
- e) Functional Status of Mines and measures taken by the unit for closure of exhausted mine and/or Closure as per statutory order(s)/direction(s) from regulatory bodies.
- f) Calculation of EDC as per prevailing guidelines of CPCB.

In the meeting, it was gathered that office of District Geologist has filed FIRs against defaulter units based on information available with them and furnished details of the same to the Joint Committee. It was observed that there are few mismatches between the data previously submitted by Forest Department and data of office of Geologist. Thus, the Committee decided to take help of District Administration to remove the error in survey number and ownership, if any. Accordingly, District Magistrate, Gir Somnath has nominated Sub divisional Magistrate, Una for providing the required assistance in identifying the survey numbers and providing records of FIR filed by the Office of Geologist, Gir Somanath in due course of time pertaining to the alleged 76 units.

Subsequently, Sub-divisional Magistrate, Una (Nominated by District Collector, Gir Somnath) has requested MamlatdarKodinar ,Mamlatdar Una and MamlatdarTalala on dated 05.12.2023 to extend necessary support and provide required information.

Preliminary findings of the Joint Committee

The Joint Committee has carried out field survey during 16-18 January 2024.

During field survey for 76 mining sites, it was observed that:

1. Most of mining sites are limestone query which was having area less than one Hectare and belonged to small farmers/ temporary miners having business of building blocks. The limestone mined are mainly intended to be used as building blocks (in place of brick) for local construction consumption.
2. It is very difficult to arrive at the exact date on which illegal mining in most of the mines were started.
3. Mining/mineral extraction was not initiated on 7 sites.Out of these seven sites,
 - a. At 6 sites, soil was removed
 - b. One was existing agriculturefarm (Sr. No. – 50* of the letter of Forest Department), and as per locals there wasn't any mining site at this location.
4. 13 locations are having valid lease as per records of O/o. District Geologist, Gir Somnath but their Virtual Royalty Accounts are freezed/locked. Out of those 13 mines, few mines were still operational.
 - a. In mine placed at Sr. No. 10* of the letter of Forest Department, lease were sanctioned but mining activity was not started on this site.
 - b. Evidence of recent blasting at one of the black trap mine (Sr. No. 4* – Nagabhai Devayatbhai Ram of the letter of Forest Department) was observed.
5. 43 sites were found indulged in illegal mining and has been fined/legal actions are taken against the unit by O/o. District Geologist, Gir Somnath in past.
 - a. At few locations in Ghantvad Cluster backfilling has been carried out and currently there are Mango Orchards/ agricultural farm, as per locals, 6-7 years back, mining was stopped at this location and land is backfilled for agricultural use.
 - b. At few other listed sites in letter of Forest Department, backfilling was done and/or was being used for farming purpose (e.g. Sr. No. –27,29, 32,33,38,47,48)*. However, the date of mining start of stoppage/ backfilling is not traceable.
 - c. At some locations, backfilling was in progress and subsequent Mango Orchard development is being undertaken progressively.
6. At remaining 13 sites, committee is working to retrieve record based information, and if required committee will plan for field visit.

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(* - Sr. No. mentioned in above comments are as per List of 76 units submitted by Forest Department to Hon'ble NGT.)

The committee has received most of the data from concerned authorities regarding status of listed 76 units. Data compilation is under process. Currently, the committee is assessing the data gathered from different agencies regarding action taken, penalty imposed and recovered. It is also gathered that Office of Geologist has calculated penalty to some of the units and also imposed environmental damage compensation as per Govt. of Gujarat resolution *vide* NGT/102017/1750/CHH Dtd.- 29/11/2018. After obtaining all the details, Environment Damage Compensation will be calculated. For obtaining all the information, a series of virtual meeting is also organized. After gathering the survey number and ownership of remaining 13 units, final report will be submitted.

Committee Members – Field Inspection During 16-18 January 2024

A. Joint Committee Members as per Hon'ble NGT Order

- 1) Dr. Yogesh Kumar – Deputy Director & Scientist 'C', Ministry of Environment, Forest & Climate Change, Integrated Regional Office - Gandhinagar
- 2) Dr. Arvind Kumar Jha - Scientist 'E', Central Pollution Control Board (CPCB), Regional Directorate (W), Vadodara, Gujarat.
- 3) Sh. Shaileshkumar B. Parmar - Regional Officer, Gujarat Pollution Control Board, Regional Office, Junagadh, Gujarat.
- 4) Sh. Vikas Yadav (IFS) -Assistant Conservator of Forest, Gir (West) Division, Sardarbaug Campus, Junagadh, Gujarat.

B. Additional Team Members deputed by District Administration, Gir Somnath

- 1) Sh. G K Vala – Mamalatdar, GirGadhada (Dist. – Gir Somnath)
- 2) Sh. N G Radadiya – Mamalatdar, Kodinar (Dist.- Gir Somnath)
- 3) Sh. G K Vaghani – Mines Supervisor, O/o. District Geologist (Gir Somnath)
- 4) Sh. N V Barad – Mines Supervisor, O/o. District Geologist (Gir Somnath)
- 5) Sh. K J Bheda – Surveyor, O/o. District Geologist (Gir Somnath)