

Report in the matter of O.A. No. 563/2023; "MLA apprised of losses due to illegal mining in Doon assembly segment" appearing in Dainik Tribune Dated 08.09.2023.

Background:

1. It is submitted that the present case was registered by the Hon'ble NGT Suo Moto on the basis of news item published in 'Dainik Tribune' alleging illegal mining in Doon Assembly segment.

The matter was listed on 25-9-2023 wherein Hon'ble Tribunal had constituted a Joint Committee and passed the following directions:-

".....5. Hence, at this stage, we deem it proper to constitute a joint committee comprising of the Member Secretary, Uttarakhand Pollution Control Board; Secretary, Central Pollution Control Board; and District Magistrate, Dehradun.

6. The District Magistrate, District Dehradun will act as a nodal agency.

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

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

2. That thereafter vide order dated 14-12-2023 Hon'ble Tribunal modified the Joint Committee and passed the following directions :-

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

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

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

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


3. That the Action Taken Report was filed by Joint Committee on the 14.02.2024 considering which Hon’ble Tribunal disposed off the matter vide order 26-4-2024 with following directions:-

“.....6. Hence, we direct Member Secretary, Himachal Pradesh Pollution Control Board to take into account the report of the Joint Committee and initiate action for imposition of EC against the persons found responsible for illegal mining and submit action taken report before the Registrar General of the Tribunal within three months.....

9. Original application is accordingly disposed of.....”.

4. In compliance to Hon’ble NGT’s order dated 26.04.2024 it is submitted that in the State of HP for recovery of environmental compensation on account of damage caused to the environment and ecology due to illegal mining a Notification No. STE-E(5)-2/2021 dated 18.08.2022 has been issued by the Department of Environment Science & technology vide (Copy annexed as **Annexure-I**) in view of Hon'ble NGT order dated 23.02.2021 passed in OA No.360/2015-NGT titled as National Green Tribunal Bar Association Vs Virender Singh. As per said notification a committee under Sub-Divisional Magistrate assisted by various departments including HPSPCB shall assess the compensation amount and the recovered amount shall be deposited with the Director Environment, S&T Govt. of HP which shall be utilized for restoration of environment damaged due to illegal mining activities. Accordingly the Environment Compensation of amounting to Rs. 79,00,000/- (Rupees Seventy Nine Lakhs) has been imposed by the Sub-Divisional Magistrate Nalagarh on the defaulters which were found engaged in carrying out illegal mining activity. The detail of Environmental Compensation is annexed as **Annexure-II**.

5. That the report of the Board is hereby submitted for kind perusal and consideration of the Hon'ble Tribunal which may kindly be taken please.


Chief Environmental Engineer
HPSPCB, Baddi

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

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

Annexure-I

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

Dated: Shimla-2,

18-08-2022.

NOTIFICATION

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

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

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

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



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

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

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

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


By Order

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

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

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

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


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

ANNEXURE-I

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

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

Sr.No.	Category of vehicle	Penalty amount
1.	Vehicles/Equipments/Excavators with showroom value more than Rs. 25 lacs and less than 5 years old.	4 lacs
2.	Vehicles/Equipments/Excavators with showroom value more than Rs. 25 lacs and more than 5 years but less than 10 years old.	3 lacs
3.	For the remaining Vehicles older than 10 years/equipments/excavators which are otherwise legally permissible to be operated and not covered by Serial No. 1 and 2.	2 lacs
Note-I: On repetition of the offence by the same vehicle/equipment, Order dated 05.04.2019 will be applicable		
Note-II- The option of release may be available for a period of one month from the date of seizure and thereafter, the vehicles may be confiscated and auctioned.		

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

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

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



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

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

Compensation Charge - explicit accounting of NPV

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

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

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

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

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

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

$$= NPV = PV - D$$

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

Compensation Charge in above case:

Approach 2

(explicit accounting of NPV) @ 5% discount rate and over 5 years

Rs. 66,58,953/-

ILLUSTRATION NO.1

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

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

RT= D x Risk factor.

r =discount.

t = time (i.e 5 years)

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

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

Illegal mined material =50 tons.

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

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

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

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

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

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

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

Illegally mined material = 50 tons

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

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

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

RF= risk factor adopted is Moderate.

$$\begin{aligned} \text{Annual value of forgone ecological values} &= D \times \text{RF (risk factor)} \\ &= 15000 \times .50(\text{moderate}) \\ &= \text{Rs.7,500.} \end{aligned}$$

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

$$\begin{aligned}
 PV &= \sum_{t=1}^5 \frac{(D+RT)}{(1+r)^t} \\
 \text{i.e.} & \frac{(7500)}{(1+0.07)^1} = 7,009.34 \text{ (first year)} \\
 & \frac{(7500)}{(1.07)^2} = \frac{7500}{1.15} = 6,521.73 \text{ (second year)} \\
 & \frac{(7500)}{(1.07)^3} = \frac{7500}{1.22} = 6,147.54 \text{ (third year)} \\
 & \frac{(7500)}{(1.07)^4} = \frac{7500}{1.31} = 5,725.19 \text{ (fourth year)} \\
 & \frac{(7500)}{(1.07)^5} = \frac{7500}{1.40} = 5,357.14 \text{ (fifth year)}
 \end{aligned}$$

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

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

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

ILLUSTRATION NO. 2

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

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

RT= D x Risk factor.

r =discount

t = time (i.e 5 years)

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

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

Illegal mined material =70 tons.

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

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

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

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

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

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

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

Illegally mined material = 70 tons

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

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

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

RF= risk factor adopted is Severe.

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

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

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

i.e

$$\frac{(28,000)}{(1+0.05)^1} = 26666.66 \text{ (first year)}$$

$$\frac{(28,000)}{(1+0.05)^2} = \frac{28000}{(1.10)} = 25454.54 \text{ (second year)}$$

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

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

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

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

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

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

ILLUSTRATION NO 3

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

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

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



हिमाचल प्रदेश सरकार
पर्यावरण, विज्ञान एवं प्रौद्योगिकी विभाग

संख्या: एस.टी.ई-ई(5)-2/2021

तारीख शिमला-2,

18 अगस्त, 2022.

अधिसूचना

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

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

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

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



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

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

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


आदेश द्वारा,

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

18 अगस्त, 2022.

पृष्ठांकन संख्या: यथोपरि। तारीख: शिमला-2
प्रतिलिपि निम्नलिखित को आवश्यक कार्रवाई एवं सूचनार्थ हेतु प्रेषित है:-

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


(सतपाल धीमान)
अतिरिक्त सचिव (पर्यावरण, विज्ञान एवं प्रौद्योगिकी)
हिमाचल प्रदेश सरकार
दूरभाष संख्या: 0177-2621874

No.: NLG/SDM/Misc./2024- 1503
Office of Sub-Divisional Officer (C),
Nalagarh, Distt. Solan (H.P).
Email ID: sdmnalagarh.solan@gmail.com.

Nalagarh, Dated: 27th August, 2024

Annexure-II

To

✓ The Chief Environmental Engineer,
HP State Pollution Control Board,
Baddi, District Solan (H.P.).

Subject:

Regarding OA No. 563/2023 titled News Item titled "MLA apprised of losses due to illegal mining in Doon Assembly segment" appearing in Dainik Tribune dated 08.09.2023.

Sir,

This is in reference to your letter No. PCB/RO Baddi/NGT Court Case File/24-1193 dated 20-06-2024, on the subject cited above. In this regard, it is submitted that as per list provided by your office, total environmental compensation amounting to ₹ 79,00,000/- (Seventy Nine Lakh Rupees) has been imposed upon offenders. The details of environmental compensation imposed upon offenders is annexed as Annexure-A.

This is for your kind perusal and necessary action.

Yours Faithfully,

Encl: A/A

Sub-Divisional Officer (C),
Nalagarh, District Solan (H.P.).

Annexure-A

Environmental Compensation imposed as per challan list of SHO Manpura

Sr. No.	Name of Offender	Environmental Compensation imposed
1	Sh. Avtar S/o Sh. Prakash Chand r/o Handa Khundi	400000
2	Sh. Harbans S/o Sh. Gurbaksh r/o Khol Beli, P.O. Manpura, Tehsil Baddi, District Solan (H.P.)	200000
3	Sh. Avtar Singh S/o Sh. Prakash Chand r/o Handa Khundi, P.O. Manpura, Tehsil Baddi	400000
4	Mohd. Yakub S/o Sh. Roshandeen r/o Beli Khol, P.O. Manpura, Tehsil Baddi	200000
5	Sh. Ram Gopal S/o Sh. Parkash Chand r/o Handa Khundi, P.O. Manpura, Tehsil Baddi	200000
6	Sh. Ram Nath S/o Sh. Ratti Ram r/o Handa Khundi, P.O. Manpura, Tehsil Baddi	200000
7	Krishan Lal S/o Sh. Telu Ram r/o Handa Khundi, P.O. Manpura, Tehsil Baddi	200000
8	Sh. Avtar S/o Sh. Prakash Chand r/o Handa Khundi, P.O. Manpura, Tehsil Baddi.	400000
9	Sh. Raj Kumar S/o Sh. Sajoo Ram r/o Beli Khol, P.O. Manpura, Tehsil Baddi	200000
10	Sh. Raju S/o Sh. Najeer Mohd. r/o Kasambowal, P.O. Manpura, Tehsil Baddi	200000
11	Sh. Bir Chand S/o Sh. Prema r/o Beli Khol, P.O. Manpura, Tehsil Baddi	200000
12	Sh. Radha Krishan S/o Sh. Paas Ram r/o Handa Khundi, P.O. Manpura, Tehsil Baddi	200000
13	Sh. Manjit Singh S/o Sh. Narayan Dass r/o Handa Khundi, P.O. Manpura, Tehsil Baddi	200000
14	Sh. Dinesh Kumar S/o Sh. Krishan Kumar r/o Sambhowal Gujran, P.O. Manpura, Tehsil Baddi	200000
15	Sh. Jaktar S/o Sh. Dev Raj r/o Chhota Makruna, Tehsil Chamkaur Sahib (PB)	200000
16	M/s Balbir Sons C/o Krishan Kumar r/o Jodhpur P.O. Chikan, Tehsil Kalka	400000
17	Sh. Manjit Singh S/o Sh. Narayan Dass r/o Handa Khundi, P.O. Manpura, Tehsil Baddi	200000
18	Sh. Jaktar S/o Sh. Dev Raj r/o Chhota Makruna, Tehsil Chamkaur Sahib (PB)	200000
19	Sh. Jmaldeen S/o Sh. Rakhu Ram r/o Handa Khundi, P.O. Manpura, Tehsil Baddi	200000
Total		4600000

Environmental Compensation imposed as per challan list of Mining Officer, Solan

Sr. No.	Name & Address of vehicle Owner	Environmental Compensation imposed
1	Sh. Avtar S/o Sh. Prakash Chand, r/o village Handa Kundi, P.O. Manpura, Tehsil Baddi, Distt. Solan (HP)	400000
2	Sh. Raj Kumar S/o Sh. Jathu Ram, r/o village Malpur, P.O. Bhud, Tehsil Baddi, District Solan (H.P.)	400000
3	Sh. Jagtar S/o Sh. Devraj, r/o Handa Khundi, P.O. Manpura, Tehsil Baddi, District Solan (H.P.).	400000
4	Sh. Geeta Ram S/o Sh. Ram Asra, r/o Handa Khundi, P.O. Manpura, Tehsil Baddi, District Solan (H.P.)	400000
5	Sh. Avtar S/o Sh. Prakash Chand r/o Handa Khundi, P.O. Manpura, Tehsil Baddi, District Solan (H.P.)	400000
6	Sh. Chaman Lal S/o Sh. Sucha Ram r/o Handa Khundi, P.O. Manpura, Tehsil Baddi, District Solan (H.P.)	200000
7	Sh. Avtar S/o Sh. Dhuna Ram r/o Paploha, P.O. & Tehsil Kalka, District Panchkula (HR)	400000
8	Sh. Labh Singh S/o Sh. Lajja Ram r/o Handa Khundi, P.O. Manpura, Tehsil Baddi, District Solan (H.P.)	200000
9	Sh. Jagtar S/o Sh. Devraj r/o Handa Khundi, P.O. Manpura, Tehsil Baddi, District Solan (H.P.)	200000
10	Sh. Mustak Mohammad S/o Sh. Rakha Ram, r/o Handa Khundi, P.O. Manpura, Tehsil Baddi, District Solan (H.P.)	300000
Total EC		3300000
Grand Total		79,00,000/-