

OFFICE OF THE MONITORING COMMITTEE

Constituted by the Hon'ble National Green Tribunal in
OA No.606 of 2018

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To

The Registrar,
Hon'ble National Green Tribunal,
Faridkot House, Copernicus Marg,
New Delhi, Delhi 110001

No.CMC/2021/ **1923**
Dated: 7.7.2021

Subject: Report of the independent five members committee in compliance to order dated 2.3.2021 in OA no. 57/2021 in the matter of Amandeep Vs State of Himachal Pradesh regarding illegal mining at Som Bhadra River (Swan River) in District Una of Himachal Pradesh.

It is submitted that the Hon'ble National Green Tribunal in its order dated 2.3.2021 in OA no. 57/2021 in the matter of Amandeep Vs State of Himachal Pradesh regarding illegal mining at Som Bhadra River (Swan River) in District Una of Himachal Pradesh has considered the application filed by Sh. Amandeep of Village Panjwar District Una, wherein, it has been mentioned that illegal mining at Som Bhadra River (Swan River) in district Una of Himachal Pradesh, is going on and 'Sand Mafia' are lifting the sand & other materials from the bed of the Swan river in an unscientific manner by using big Pokland and JCB machines and causing danger to the river and channelization of the river, where, crores of rupees have been spent. The Hon'ble National Green Tribunal in Para No. 3 & 4 of order dated 02.03.2021 has directed as under:-

- "3. Accordingly, the Secretary, Environment, HP, the State PCB and the District Magistrate, Una may verify facts and take further steps in the matter in terms of the above order of this Tribunal, following due process of law and give its report 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 and also upload the same on website of State PCB simultaneously so that the concerned parties/Departments can access the same for further course of action. The State PCB will be nodal agency for compliance and coordination.**
- 4. We also constitute an independent five-member Committee headed by Justice Jasbir Singh, former Judge of Punjab and Haryana High Court, and comprising Regional Officers of the CPCB, the MoEF&CC, the Central Soil and Water Conversation Research Institute, Dehradun and the Himalayan Forest Research Institute, Shimla with the Regional Officer, MoEF&CC, Chandigarh being nodal agency. The Committee may visit the site and give an independent report of**

facts found and remedial action required. The State PCB and the District Magistrate, Una will provide logistic support to the independent Committee by e-mail as above. The Committee will be at liberty to take assistance from such other Institutions/Experts/individuals as necessary. Justice Jasbir Singh, former Judge of Punjab and Haryana High Court will be paid honorarium by the State PCB to be determined by the Chairman, State PCB in consultation with him."

In compliance to order as mentioned in Para No. 3, the Secretary Environment HP, State PCB and District Magistrate Una have to verify the facts and take further steps in terms of the above order of the Tribunal. Further, in compliance of order as mentioned in part of para No. 4 of the said order, Dr. Babu Ram, Former Member Secretary, PPCB, who has vast experience in the field of environment and other related issues and has already been appointed as Technical Expert of the Monitoring Committee by Hon'ble National Green Tribunal, has also been taken as an expert member of Independent Five Members Committee.

In compliance to order dated 2.3.2021 of the Hon'ble National Green Tribunal in OA no. 57/2021 as mentioned in Para No. 3 in the matter of Amandeep Vs State of Himachal Pradesh, Deputy Commissioner, Una (Himachal Pradesh) constituted a committee under the Chairmanship of Additional Deputy Commissioner on 20.3.2021, which had made random surprise spot visit to major Swan River mining areas on 28.3.2021 and 1.4.2021 and submitted its report to the Deputy Commissioner, Una under intimation to the Monitoring Committee. Deputy Commissioner, Una submitted his report to the Hon'ble National Green Tribunal in compliance to order dated 2.3.2021 as mentioned in para 3 vide letter No.3209/AC/MA dated 7.4.2021.

The independent five member committee, constituted by the Hon'ble National Green Tribunal under the Chairmanship of Justice Jasbir Singh, Former Judge, Punjab & Haryana High Court and now Chairman of the Monitoring Committee had held its 1st meeting on 9.4.2021, wherein, detailed discussion on the report, observations, challenges and recommendations of the committee, constituted by the Deputy Commissioner, Una was held and made certain directions, mentioned therein in the minutes of the meeting.

Further, it was informed that due to unprecedented rise in number of Covid-19 cases in the State of Himachal Pradesh and to take measures to prevent its spread, Govt. of Himachal Pradesh has issued instructions/guidelines on 20.4.2021 for strict compliance by all the departments/ State Government/Boards/Corporations. Therefore, it was requested by the Member Secretary, Himachal Pradesh State Pollution Control Board to reschedule the meeting to be held on 26.4.2021 in the 2nd week of May, 2021, so that necessary work i.e compilation of action taken report and submission of action plan in coordination with stakeholder department could be submitted to the Monitoring Committee.

The independent five members committee submitted its interim report in the matter before the Hon'ble National Green Tribunal vide number CMC/2021/1802 dated 3.5.2021.

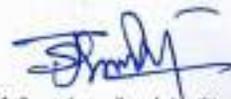
In the meantime, the Chairman of the independent five members committee decided to reschedule its 2nd meeting to be held on 26.4.2021 to 13.5.2021 through video conferencing. Action taken report / Action Plan to be submitted by the stakeholder department in light of the order dated 26.2.2021 in OA no. 360 of 2015, shall be considered by the independent five members committee and suitable action in the matter shall be taken accordingly. Finally the said meeting was fixed on 3.6.2021.

The 2nd meeting of the independent five members committee was held with the District level Officers of district Una under the chairmanship of Justice Jasbir Singh, former Judge, Punjab & Haryana High Court, now as chairman of the Monitoring Committee on 3.6.2021, wherein, the independent five members committee have made certain recommendations, which are mentioned in the minutes of the meeting as well as in the report.

The independent five members committee has visited the sand mining sites in Som Bhadra river in Una area on 17.6.2021 and has prepared detailed report alongwith observations and recommendations of the Monitoring Committee, which are mentioned in the report.

Based on the detailed discussion held with the State level Officers on 9.4.2021, report sent by Deputy Commissioner, Una to the Hon'ble National Green Tribunal in compliance to order dated 2.3.2021 as mentioned in para No. 3 of the said order, 2nd meeting of the independent five members committee held with the District level Officers of district Una on 3.6.2021 and visit to the sand mining sites in Som Bhadra river in Una area by the independent five members committee on 17.6.2021, the report has been prepared, which is enclosed herewith for kind consideration of the Hon'ble National Green Tribunal.

It is submitted that the above said report is sent herewith through email at judicial-ngt@gov.in.



(Justice Jasbir Singh)

Former Judge Punjab and Haryana High Court
and now as Chairman of the Monitoring Committee

Report

of the

Independent five Members Committee

in compliance to order dated 2.3.2021

in

OA no. 57/2021

in the matter of

Amandeep

Vs

State of Himachal Pradesh

**regarding illegal mining at
Som Bhadra River (Swan River)
in District Una of Himachal Pradesh.**

Submitted on:

7TH JULY, 2021

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Report of the Independent five Members Committee in compliance to order dated 2.3.2021 in OA no. 57/2021 in the matter of Amandeep Vs State of Himachal Pradesh regarding illegal mining at Som Bhadra River (Swan River) in District Una of Himachal Pradesh.

1.0 Background

Hon'ble National Green Tribunal in its order dated 2.3.2021 in OA no. 57/2021 in the matter of Amandeep Vs State of Himachal Pradesh regarding illegal mining at Som Bhadra River (Swan River) in District Una of Himachal Pradesh has considered the application filed by Sh. Amandeep of Village Panjawaar, District Una, wherein, it has been mentioned that illegal mining at Som Bhadra River (Swan River) in District Una of Himachal Pradesh, is going on and 'Sand Mafia' are lifting the sand & other materials from the bed of the Swan river in an unscientific manner by using big Pokland and JCB machines and causing danger to the river and channelization of the river, where, crores of rupees have been spent. The Hon'ble National Green Tribunal in Para No. 3 & 4 of order dated 02.03.2021 has directed as under:-

- "3. Accordingly, the Secretary, Environment, HP, the State PCB and the District Magistrate, Una may verify facts and take further steps in the matter in terms of the above order of this Tribunal, following due process of law and give its report 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 and also upload the same on website of State PCB simultaneously so that the concerned parties/Departments can access the same for further course of action. The State PCB will be nodal agency for compliance and coordination.***
- 4. We also constitute an independent five-member Committee headed by Justice Jasbir Singh, former Judge of Punjab and Haryana High Court, and comprising Regional Officers of the CPCB, the MoEF&CC, the Central Soil and Water Conversation Research Institute, Dehradun and the Himalayan Forest Research Institute, Shimla with the Regional Officer, MoEF&CC, Chandigarh being nodal agency. The Committee may visit the site and give an independent report of facts found and remedial action required. The State PCB and the District Magistrate, Una will provide logistic support to the independent Committee by e-mail as above. The Committee will be at liberty to take assistance from such other Institutions/Experts/individuals as necessary. Justice Jasbir Singh, former Judge of Punjab and Haryana High Court will be paid honorarium by the State PCB to be determined by the Chairman, State PCB in consultation with him."***

A copy of the detailed order dated 2.3.2021 is annexed as per **Annexure-1**.

 In compliance to order as mentioned in Para No. 3, the Secretary, Environment HP, State PCB and District Magistrate Una had to verify the facts and take further steps in terms of the above order of the Tribunal. Further, in compliance of order as mentioned in part of para No. 4 of the said order, Dr. Babu Ram, Former Member Secretary, PPCB, who has vast experience in the field of environment and other related issues and has already been appointed as Technical Expert of the Monitoring Committee by Hon'ble National Green Tribunal, has also been taken as an expert member of Independent Five Members Committee.

2.0 Compliance of order dated 2.3.2021 in OA No. 57 of 2021 as mentioned in para 3 of said order in the matter of Amandeep Vs State of Himachal Pradesh by Deputy Commissioner, Una.

In compliance to order dated 2.3.2021 of the Hon'ble National Green Tribunal in OA no. 57/2021 as mentioned in Para No. 3 in the matter of Amandeep Vs State of Himachal Pradesh, Deputy Commissioner, Una (Himachal Pradesh) constituted a committee under the Chairmanship of Additional Deputy Commissioner, Una on 20.3.2021, which had made random surprise spot visit to major Swan River mining areas on 28.3.2021 and 1.4.2021 and submitted its report to the Deputy Commissioner, Una under intimation to the Monitoring Committee. Deputy Commissioner, Una submitted his report to the Hon'ble National Green Tribunal in compliance to order dated 2.3.2021 as mentioned in para 3 vide letter No.3209/AC/MA dated 7.4.2021, copy of which is enclosed as per **Annexure-2**.

2.1 Observations of the Committee, constituted by Deputy Commissioner, Una.

- i) Swan River flowing in the district is main source of mineral sand, stone & bajri and has attained its mature stage in Una. Presently, 92 mining leases have been granted in the District Una, out of which 58 mining leases have been granted in Swan River. Out of 58 mining leases, 33 mining leases have been granted in private land and 4 mining leases have been granted by the Govt. and remaining 21 have been granted in Swan River to feed to existing stone crushers.
- ii) The data provided by the various Departments of Himachal Pradesh indicate that mechanical mining is going on and 77 cases of violations have been observed by the Department of Police & Mining.
- iii) Random Google Earth Image taken from Nangran area in Swan river bed indicate the working of 6 JCBs/earth moving machines at the site, whereas, during the spot visit, no JCBs were found present at the site but large scale mining was found in the area. The mining with depth more than 1 m has been conducted.
- iv) Similarly, another Google earth image indicate the use of 1 JCB and 5-6 tractors at the mining site and during the random spot inspection, 2 JCBs were found illegally plying in the area.
- v) Unscientific & illegal mining is undergoing in the river bed at the large scale.
- vi) Depth of mining has been found more than 1 m which is in violation of the Rule 34 (iv) of the Minor Mineral (Concession) & Mineral (Prevention of Illegal Mining, Transportation and Storage) Rules, 2015 framed by the State of Himachal Pradesh.
- vii) No boundary marks/pillars for the demarcation of the mining area have been found provided at the mining lease site and shifting of course of river during rainy season gives an excuse to the Mining Lease Holders that the demarcation pillars have been washed away.

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- viii) While granting clearance for sand mining, Mining Plans were got approved by the Mining lease holders but the conditions are violated and mining of sand/gravels/stones is carried out without fulfilling the norms.
- ix) No instance of channelization/infrastructure being damaged due to mining has been observed as reported by Superintending Engineer, Swan River Flood Management Circle. The recommendations made in the District Survey Plan are violated by way of not maintaining the distance of 75 m of the river mining from the periphery of soil conservation works/nursery plantation.
- x) Overloaded trucks have been found plying on the roads which have damaged the low quality roads. In order to check overloading and illegal transportation of the minerals from District Una, 5 Nos Mining Check Posts alongwith weigh bridges have been set up.
- xi) Mining lease holders/transporters modify/extend the bodies of the trucks to increase their capacity to carry overloaded material in violation of the Motor Vehicle Act.
- xii) No adverse impact on air quality/water level due to mining has been observed as reported by HPSPCB.

2.2 Challenges and recommendations of the Committee, constituted by Deputy Commissioner, Una.

- i) There is network of roads like National Highway, State Highway, Major roads & Interstate exit routes which give them laxity for transporting the minerals in an illegal manner through escape routes.
- ii) In rainy season, the course of river is shifted, which give chance to the Mining Lease holder to make excuse for washing away of demarcation pillar/other such structures.
- iii) While approving mining plan of the mining area, Geo-fencing of the area, to be leased out, should be made so as to remove any ambiguity relating to lease area and boundaries. High frequency GPS enabled tractors may be provided to the Mining/Police Officers to take prompt action against illegal mining activity.
- iv) JCBs/earth moving equipments may be provided with high frequency GPS with suitable alert mechanism to prevent unscientific/mechanical mining.

3.0 Compliance of Order dated 2.3.2021 in OA No. 57 of 2021 in the matter of Amandeep Vs State of Himachal Pradesh as mentioned in para 4 of said order by the Independent five members Committee.

The independent five member committee, constituted by the Hon'ble National Green Tribunal under the Chairmanship of Justice Jasbir Singh, Former Judge, Punjab & Haryana High Court and now Chairman of the Monitoring Committee had held its Ist meeting on 9.4.2021, wherein, detailed discussion on the report, observations, challenges and recommendations of the committee, constituted by the Deputy Commissioner, Una was held and directed as under.

3.1 Directions issued by the Chairman of Independent five members Committee in its meeting held on 9.4.2021

- i) The report of the Committee, submitted by Additional Deputy Commissioner, Una, may be sent to all the Members of the Independent Five Members Committee for their information and comments, if any, on any of the issue so that they may make their suggestions in the next meeting to be held on 26.4.2021 for the effective implementation of the Minor Mineral (Concession) & Mineral (Prevention of Illegal Mining, Transportation and Storage) Rules, 2015.
- ii) The Orders dated 26.02.2021 in O.A. No. 360/2015 in the matter of National Green Tribunal Bar Association Vs Virender Singh (State of Gujarat) may be sent to all Members of the Independent Committee to peruse the same and the directions issued/observations made in various paras of the said order by the Hon'ble National Green Tribunal may be acted upon for their compliance and the same may be deliberated in the next meeting of the Independent Committee to be held on 26.04.2021 at 11.30 AM at Parwanoo.
- iii) The Principal Secretary, Deptt. of Environment, Science & Technology, State of Himachal Pradesh shall hold meeting with stakeholders and the concerned departments within 7 days and implement the order dated 26.02.2021 in OA No. 360 of 2015 in the matter of National Green Tribunal Bar Association Vs Virender Singh (State of Gujarat) and report in this regard may be sent to the Monitoring Committee, within 15 days.
- iv) The Committee, constituted by the Deputy Commissioner, Una may visit the illegal mining sites, as mentioned in the application and measure the distance of the Mining area from the bridges, Bandhs of the channelized river, status of pillars/demarcation structures at the sites, within 10 days and report be submitted to the Monitoring Committee.
- v) Copy of the Himachal Pradesh Minor Mineral (Concession) & Minerals (Prevention of Illegal Mining, Transportation & Storage) Rules, 2015 may be provided to all the Members of the Independent Committee.
- vi) In compliance to order dated 02.03.2021 in OA No. 57/2021, Dr. Babu Ram, who has been appointed as Technical Expert of the Monitoring Committee by the Hon'ble National Green Tribunal in other matters, is also included as Technical Expert in the Independent five Members Committee to whom honorarium may be paid by HPSPCB to be determined by Chairman/Member Secretary of the Board in consultation with Justice Jasbir Singh, Former Judge, Punjab and Haryana High Court and now as Chairman of the Monitoring Committee.
- vii) The next meeting of the Independent five members Committee shall be held on 26.04.2021 at 11.30 AM at Parwanoo for which venue shall be decided by HPSPCB.

The next meeting of the independent five member committee was fixed on 26.4.2021 through Video conferencing but the Member Secretary, Himachal Pradesh Pollution Control Board vide its letter no. HPSPCB (NGT) OA no. 57/2021/Illegal Mining at Som Bhadra River (Swan River)/2021-849-855 dated 22.4.2021 has informed that in compliance to the decisions in the meeting held on 9.4.2021, a meeting was conducted by the Himachal Pradesh State Pollution Control Board with all the stakeholder department on 20.4.2021 under the Chairmanship of Principal Secretary, Department of Environment, Science & Technology, Govt. of Himachal Pradesh, wherein, necessary directions have been issued to all the concerned Departments in light of the order dated 26.2.2021 in OA no. 360 of 2015 in the matter of National Green Tribunal Bar Association Vs Virender Singh (State of Gujarat).

Further, it was informed that due to unprecedented rise in no. of Covid-19 cases in the State of Himachal Pradesh and to take measures to prevent its spread, Govt. of Himachal Pradesh has issued instructions/guidelines on 20.4.2021 for strict compliance by all the departments/ State Government/Boards/Corporations. Therefore, it was requested by Member Secretary, Himachal Pradesh State Pollution Control Board to reschedule the meeting to be held on 26.4.2021 in the 2nd week of May, 2021 so that necessary work i.e compilation of action taken report and submission of action plan in coordination with stakeholder departments could be submitted to the Monitoring Committee.

Accordingly, the Chairman of the independent five member committee has decided to reschedule the meeting to be held on 26.4.2021 to 13.5.2021 through Video conferencing. Action taken report / Action Plan to be submitted by the stakeholder departments in light of the order dated 26.2.2021 in OA no. 360 of 2015, shall be considered by the independent five member committee and suitable action in the matter shall be taken accordingly. The report in the matter shall be submitted after visiting the mining sites in Som Bhadra river for thorough inspection/verification of the mining areas in Swan river in District Una (Himachal Pradesh).

3.2 Meeting taken by the Principal Secretary, Dept. of Environment, Science and Technology with stakeholder departments on 20.4.2021 as directed by the Chairman of the independent five member Committee during the meeting held on 9.4.2021.

 In compliance to the directions of the Chairman of the independent five members Committee during the meeting held on 9.4.2021 as mentioned in Para No. 3, Principal Secretary, Dept. of Environment, Science and Technology, Govt. of Himachal Pradesh has held meeting with stake holder departments of Himachal Pradesh on 20.4.2021 to review the compliance in OA No. 57 of 2021 titled Amandeep V/s State of Himachal Pradesh regarding illegal mining being carried out at Som Bhadra River (Swan river) in District Una, Himachal Pradesh. The minutes of the meeting are enclosed as per **Annexure-3**. The decisions taken by the Principal Secretary, Dept. of Environment, Science and Technology in the said meeting are mentioned as under:

3.2.1 Decisions taken by the Principal Secretary to Govt. of Himachal Pradesh, Dept. of Environment, Science and Technology in the meeting held with State Level Officers on 20.4.2021

- i) In compliance to Hon'ble NGT directions in order dated 26.02.2021 in O.A. No. 360/2015, District Level Task Force (DL TF) under the Chairmanship of Deputy Commissioner/District Magistrate/Collector with Superintendents of Police and other related senior functionaries (District Forest Officer, District transport officer, Regional officer- SPCBs, Senior Officer of Irrigation Department, District Mining Officer) with one/two independent member nominated by the Commissioner concerned may be constituted or the committee already constituted under Chairmanship of Deputy Commissioner shall be assigned the TOR of DL TF in addition to existing ones.
- ii) SEIAA will share the KML files with State Geologist and Deputy Commissioner Una of all the leases in Swan River for enhanced surveillance through geo-fencing of mining lease area.
- iii) The State Geologist shall submit a action plan to shift to the geo-fencing of the leases across the State along with clear cut timelines.
- iv) State Geologist to share notification w.r.t. the revision of fine / challan amount with all the Stakeholders.
- v) The District Administration may enhance surveillance to ensure illegal mining activities in Som Bhadra River are minimized.
- vi) Deputy Commissioner, Una and SP, Una to send a proposal including the funds required to enhance the vigilance against illegal mining. Deputy Commissioner, Una may take up the matter with GoHP for the usage of DMFT funds to strengthen vigilance of illegal mining activities in the area.
- vii) The State Geologist shall award mining leases as per the DSR plan only and the directions given by the Hon'ble NGT may also be incorporated as conditions in various mining leases granted by the Department.
- viii) All the concerned departments to prepare action plan (short term and long term) with specific timelines in light of the directions passed by Hon'ble NGT in order O.A. No. 57 of 2021, O.A. no 360 of 2015 and directions of Independent Five Member Committee. The action plan by Director, Science, Technology and Environment, Deputy Commissioner, Una and State Geologist to be sent within three days.
- ix) All concerned departments to submit the action taken report along with action plan to HPSPCB within 3 days positively as the case is listed for further consideration before Hon'ble NGT on 10.05.2021.
- x) All concerned departments to ensure strict enforcement of laws and take vigorous action against the defaulters as per the provisions under law.

It is submitted that before submitting the report of Independent five members Committee, the Chairman of the Independent Committee has to consider the view points of Independent Committee on the following issue.

- i) Compliance of the order dated 26.2.2021 in OA No. 360 of 2015 in the matter of National Green Tribunal Bar Association Vs Virender Singh (State of Gujarat).
- ii) Action Taken Reports along with short term and long term measures to be suggested by the stake holder departments of State of Himachal Pradesh to prevent illegal mining in Som Bhadra river (Swan river).
- iii) Compliance of other decisions taken by Principal, Dept. of Environment, Science & Technology.
- iv) Visit to the mining sites in Som Bhadra river by the independent five member Committee as soon as the prevailing conditions due to COVID-19 pandemic situation allow for safe and detailed visit of the illegal mining sites in Som Bhadra river (Swan river) in District Una (HP).

Thereafter, the Independent five Members Committee shall submit its report in OA No. 57 of 2021 in the matter of Amandeep V/s State of Himachal Pradesh after considering the above points and visit to the mining sites in Som Bhadra river for which 2½ months shall be required by the Independent Committee.

In the meantime, the independent Committee under the Chairmanship of Justice Jasbir Singh, former Judge, Punjab & Haryana High Court framed its interim recommendations which are mentioned as under.

3.2.2 Interim recommendations of independent five members Committee

- 1. The report submitted by the Committee, constituted under the Chairmanship of Additional Deputy Commissioner, Una, has prima facie proved that there is unscientific and illegal mining in Som Bhadra river (Swan river), wherein, 58 mining sites have been leased out, out of which 33 mining leases have been granted in private land, 4 mining leases have been granted by the Govt. and 21 mining leases have been granted Swan river to feed existing stone crushers. Unscientific mining has been mentioned due to the following reason.**

- i) **Depth of mining in river bed is more than 1m**
- ii) **The data provided by various departments indicate that mechanical mining is going on the mining lease areas and the same has been verified by the Deputy Commissioner's Committee from random Google earth images taken from Nagran area in Swan river bed where 6 JCBs/ earth moving machines were found at the site and during spot inspection, 2 JCBs were found illegally plying in the area.**

Therefore, independent Committee recommends that Deputy Commissioner, Una may depute District level task force to verify as to whether mining leases operating in river Som

Bhadra are complying with general conditions as mentioned in rule 34 of Himachal Pradesh Minor Mineral (Concession) and Minerals (Prevention of illegal Mining, Transportation and storage rules, 2015), failing which legal action may be initiated under rule 71 of the said rules.

2. Since, no boundary marks/pillars for demarcation of the mining areas have been found by the Committee at the mining lease sites therefore, the department of Mining/Geology shall mark boundary wall/pillars around each mining site in Som Bhadra river maintaining only one entry and exit gate within 01 month.
3. District level Task Force shall check the compliance of Mining Plan submitted by each mining lease holder operating their mining activities in Som Bhadra river within 02 months and report be submitted to Mining department as well as Deputy Commissioner, Una for further action.
4. The Department of Irrigation (Swan river flood management circle) shall continue to inspect the banks and infrastructure developed for channelization of river Som Bhadra and ensure that no portion of channelized river is damaged due to mining activities in the area. Their inspections may be conducted on quarterly bases.
5. The department of Transport and Police shall jointly check the overloaded trucks / vehicles carrying minor mineral/sand and heavy fine may in imposed on these vehicles/trucks. Driving License of the driver may be seized of and put into safe custody for 01 month.
6. District level Task Force shall seize of the vehicles used for illegal mining in Som Bhadra river and those may be released as per methodology mentioned Para 8 in order dated 26.2.2021 in OA No 360 of 2015.
7. The department of Transport and Police shall jointly check the loaded/overloaded trucks/vehicles carrying minor minerals/sand and in case these trucks are found with extended bodies, the vehicle may be seized of and shall be released following the procedure and methodology as mentioned in Para 8 of order dated 26.2.2021 in OA No 360 of 2015 in the matter of National Green Tribunal Bar Association V/s Virender Singh (State of Gujarat).
8. For transporting of minor mineral material from mining area, only one or two roads may be fixed and notified by department of Mining and all the mined materials should be transported only through these roads. There shall be total restriction on the

movement of trucks carrying/transporting minor minerals/sand on the other non notified road

9. The department of Mining/Geology shall provide Geo fencing on all mining lease areas in river Som Bhadra within 03 months.
10. All the mining lease holders shall provide High frequency GPS on the vehicles deployed for transportation of mined material so that their movement can be tracked and can be monitored by the Department of Mining and Police and prompt action may be taken against the illegal mining operator.
11. During the meeting held on 9.4.2021, it was informed to the Independent Committee that no JCB/Mechanical equipments are allowed in mining of minor minerals/sand in Som Bhadra river (Swan river). Therefore, the Independent Committee recommends that no JCB/mechanical equipments may be allowed for mining in the river Swan.
12. In no case, mining of minor minerals/sand may be allowed in night hours.
13. The department of Irrigation may continue to make survey along river Som Bhadra 04 times in a year to ensure that no sand and gravel may be allowed to be extracted where erosion may occur and especially at the concave banks of the river.
14. District level Special Task Force shall not allow extraction of sand and gravel with 200 to 500m from sensitive structures such as water intake system, pumping station and bridges.
15. The department of Mining shall identify ways of scientific and systematic mining in Som Bhadra river and shall conduct replenishment study which may include the time for continuing replenishment after mining on area.
16. The department of Mining shall ensure that while preparing District Survey Report of mining area along Som Bhadra river, the stretches of river having aggradations/deposition of material where mining can be allowed may be identified. Identification of area of erosion and proximity to infrastructure structures and installation where mining should be prohibited may also done. Further the District Survey report of mining area may be prepared as per structure mentioned in Sustainable Sand Mining Management Guidelines, 2016.
17. For monitoring illegal sand/gravel mining in Som Bhadra river, there should be a provisions of checking Transport permits, printing of transport permit on security papers, invisible ink mark, fugitive ink background and unique barcode system. The department of Mining shall provide said documents to the

monitoring teams or District Level Special Task Force at District level. The Monitoring team deployed for checking of vehicles/trucks carrying mined material should be in a position to check the validity of Transport permit or receipt by scanning them using website, mobile phone application and SMS etc.

18. There should a mechanism at district level to generate the system which may enable the authorities to develop periodic report on different parameters like daily lifting report, vehicle log or history, lifting against allocation and total lifting. The system can be used to generate auto mails or SMS. This will enable the Deputy Commissioner to get all the relevant details and shall enable the authority to block the scanning facility of any site found to be indulged in irregularity.
19. The mining lease holder shall ensure that vehicles used for transportation of sand/mined material are to be permitted only with of fitness and PUC Certificates and he shall ensure that the road may not be damaged due to transportation of the mined material and transport of minerals will be as per IRC Guidelines with respect to complying with traffic congestion and density. The compliance in this regard may be checked by department of Mining.
20. The District level Task Force while monitoring the mining areas in Som Bhadra river shall check the following parameters.
 - i) No river/stream bed mining may be allowed within 75 meter from the periphery of soil conservation works, nursery plantations, check dams or within the distance as recommended by the Sub-Divisional Committee whichever is more.
 - ii) No river/stream bed mining may be allowed within 1/10th of its span or 5 meters from the banks or as specified by the Sub-Divisional Level Committee, whichever is more.
 - iii) No river/stream bed mining may be allowed within 200 meters upstream and downstream of water supply scheme or as specified by the Committee, whichever is more.
 - iv) No river/stream bed mining may be allowed within 200 meters upstream and 200 to 500 meters downstream of bridges depending upon the site specific conditions.
 - v) No digging more than 1 meter shall be allowed in river/stream beds.
 - vi) No blasting shall be allowed in river/stream beds.

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The independent five members Committee under the Chairmanship of Justice Jasbir Singh, Former Judge, Punjab and Haryana High Court submitted its Interim report before the Hon'ble National Green Tribunal vide No.CMC/2021/1802 dated 3.5.2021, a copy of which is annexed as per **Annexure-4**.

4.0 2nd meeting of independent five member committee under the Chairmanship of Justice Jasbir Singh, Former Judge, Punjab and Haryana High Court held on 3.6.2021.

Now, COVID-19 situation has slightly improved in the State and accordingly, the independent five members Committee under the Chairmanship of Justice Jasbir Singh held its 2nd meeting on 3.6.2021, the minutes of which are annexed as per **Annexure-5**. The directions/recommendations made by the independent five members Committee are mentioned as under.

4.1 Directions given/recommendations made by the independent five member committee during its meeting held on 3.6.2021

- 1) Deputy Commissioner shall get comply with the observations/recommendations raised/made by additional Deputy Commissioner, UNA during the visit of the committee, constituted by him to major Swan river mining area on 28.03.2021 and 01.04.2021.
- 2) The Monitoring mechanism for seize and release of vehicles used for illegal mining, scale of compensation for violation on polluter pays principle as mentioned in the para no. 8 to 11 of order dated 26.02.2021 in OA no. 360/2015 in the matter of National Green Tribunal Bar Association Vs Virender Singh may be implemented by the concerned departments of Himachal Pradesh. The monitoring mechanism and suggestive additional requirements as mentioned in sub para no. 9.4 and 9.5, respectively, of para 18 of said order may also be implemented.
- 3) The compensation scale as mentioned Para no. 25 of order dated 26.02.2021 may be adopted in the State of Himachal Pradesh w.r.t mining in Som Bhadra river.
- 4) The State of Himachal Pradesh shall strictly follow Sustainable Sand Mining Guidelines, 2016 and Enforcement and Monitoring Guidelines for Sand mining, 2020 for preparation of District Survey Report (DSR), environmental management plan, replenishment studies, mine closure plan and grant of environment clearance.
- 5) The State of Himachal Pradesh shall also implement the directions issued in para no.28 of order dated 26.02.2021 by way of getting conduct visit to the mining lease sites by a five member committee, headed and coordinated by the SEIAA and comprising CPCB (wherever it has regional office), State PCB and two expert members of SEAC dealing with the subject. Such inspection must be conducted at least thrice for each lease i.e. after expiry of 25% the

lease period, then after 50% of the period and finally six months before expiry of the lease period for midway correction and assessment of damage, if any.

- 6) The department of Environment, Science and Technology, State of Himachal Pradesh shall issue necessary office order /notification/rules for effective implementation of above directions issued in OA no. 360 of 2015 in the matter of National Green Tribunal Bar Association Vs Virender Singh and the issues raised at para B(ii) and B(vi) in letter dated 3.6.2021 of Deputy Commissioner, Una.
- 7) The various departments of State of Himachal Pradesh shall implement the action plan/action point as mentioned in letter no. 1617-22 dated 17.05.2021 of Member secretary, HPSPCB for effective and scientific mining of sand in Una area in Som Bhadra river. (copy enclosed as per Annexure-6)
- 8) While selecting mining sites to be given on mining lease, the conditions for grant of mining leases, conditions for river bed mining as mentioned in the Himachal Pradesh Minor Mineral (Concession) and Minerals (Prevention of illegal mining, transportation and storage) Rules, 2016, may be implemented.
- 9) While sending recommendations of the Independent five members committee to the Hon'ble National Green Tribunal, the recommendations made by Deputy Commissioner, Una w.r.t control of illegal mining in river Swan, District Una, as mentioned in his letter dated 3.6.2021, will be also made part of the recommendations of the committee.
- 10) In case of mining in private land, if any violation of the terms and conditions of the lease agreement is detected/ observed by way of extraction of sand/minor mineral more than the permissible quantity and mining is done in non scientific manner by using mechanical machinery etc, the said private land may not be allowed to be leased out for mining in the next year.
- 11) The independent five member committee shall visit Som Bhandra, river (Swan River) w.r.t mining sites in UNA, area (District Una) on 17.06.2021 at 10:00 AM. Thereafter, the independent five member committee shall make its further recommendations and report may prepared for submitting the same to the Hon'ble National Green Tribunal. HPSPCB shall provide necessary logistic support to the members of the Independent five members Committee during its visit to Som Bhadra River at Una.

5.0 Visit to the Mining sites in Som Bhadra river (Swan river) in Una area by the Independent five member committee on 17.6.2021 in compliance to order dated 2.3.2021 in OA no. 57 of 2021 in the matter of Amandeep Vs State of Himachal Pradesh regarding illegal mining.

The following were present during the visit.

A) Members of the Independent five member committee

| Sr. no. | Name and Designation in the Deptt. | Name & Designation in the Committee |
|---------|--|-------------------------------------|
| 1. | Justice Jasbir Singh, Former Judge Punjab & Haryana High Court | Chairman |
| 2. | Sh Suneel Dave, Additional Director, CPCB | Member |
| 3. | Dr. V.K Hatwal, Additional Director, MoEF&CC | Member |
| 4. | Dr. Ranjeet Kumar, Scientist-E, Himalayan Forest Research Institute (HFRI) | Member |
| 5. | Dr. Babu Ram, Former Member Secretary, PPCB | Technical Expert |

B) The list of the officers of various departments, present during the visit, is as per **Annexure-A**

C) Sh. Amandeep, the applicant in OA no. 57 of 2021

5.1 About mining in Som Bhadra River (Swan river)

The Swan river is the major river flowing through District Una and its length is about 63 Km, with catchment area of about 1222 Sq. Km and covering an area of 3700 hectares. The Swan river is having total 33 tributaries on the right bank and 17 tributaries on the left bank. There are 60 mining leases have been granted in Swan river, out of which 32 (104-74-18 hectares) mining leases have been granted in private land and 28 (157-37-52 hectares) in Swan river to feed to existing stone crushers.

5.2 Visit to the mining sites in Som Bhadra river

The Monitoring Committee has visited the following mining sites in Som Bhadra river.

5.2.1 Mining sites in Basal upstream of Ghalluwal bridge

The Monitoring Committee has visited the mining sites in Som Bhadra river near village Basal, which is at upstream of Ghalluwal bridge. 06 mining sites covering an area about 32.85 hectares are in operation. Lot of illegal mining has been found carried out at the site and mining has been done upto depth 3m. The photographs showing the mined area with deep mining are as per **Plates 1, 2 and 3**.

Though at the time of visit, mechanical machinery/JCB or any other equipments used for extraction of sand were not available at the site but the depth up to which mining has been done indicates that mechanical machinery was used for extraction of sand and there is totally unscientific mining and has been done with deep digging in the

area, which has not only damaged the ecosystem and ecology but has also changed the natural flow of river. In some areas, cultivative land has also been used for mining.



Plate-1: Photograph showing illegal mining using mechanical machinery



Plate-2: Photograph showing illegal mining using mechanical machinery



Plate-3: Photograph showing illegal mining using mechanical machinery

5.2.2 Mining site upstream Rampur bridge

The Monitoring Committee visited the mining lease area upstream of Rampur bridge, where 05 mining leases covering an area of 17.14 hectares have been granted by the department. However during the visit, it was observed that mining has been conducted to extract sand in lot of area, which is more than the permitted area. The mining has been done with mechanical equipments in unscientific way and mining has been done at same places with depth 3m. The residents of the nearby area have made complaint that sand mafia has done mining in the area using heavy machinery and the water level has gone down even upto 150 feet, whereas, originally it was upto depth of 50 feet. The photograph showing the mining carried out in unscientific manner and more than the prescribed depth of 1 meter are mentioned as per **plates 4 to 6**.



Plate-4: Photograph showing the mining carried out in unscientific manner



Plate-5: Photograph showing the mining carried out in unscientific manner



Plate-6: Photograph showing the mining carried out in unscientific manner

The residents of ward no. 8, village Santokgarh, Tehsil and District Una have made complaint stating that indiscriminate and illegal mining is being carried out in Som Bhadra river in village Santokgarh and sand mafia has done deep digging upto 40 feet and the embankment of Swan river near the village has been broken down. The copy of the complaint is annexed as per **Annexure-B**.

Sh. Vinod Kumar, the representative of Haroli area, made a complaint that channelization of Som Bhadra river was made by spending 1400 crore but with the continuous indiscriminate illegal mining in the area, channelization work has reached to damaging stage. Moreover, the water level has been depleted and there is no water in ground water sources installed by the farmers and it is also affecting the agriculture production of the area due to non availability of groundwater at upper level and there is huge loss to the Government money. Copy of the complaint is annexed as per **Annexure-C**.

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5.3 Stone crusher in village Basal, Una

The Monitoring Committee has visited the one stone crusher operating near Som Bhadra river in village Basal.

5.3.1 M/S Rudhra stone crusher, Basal lower, Una

During the visit, it was observed that the stone crusher namely M/s Rudhra Stone Crusher was not in operation and it seems that the owner of the stone crusher has deliberately closed the operation of the stone crusher. The following observations were found by the Monitoring Committee.

5.3.1.1 Observations of the Monitoring Committee

- i) Lot of raw material i.e boulder and bajri of big size was found stored at site. These stone crushers have not been allowed to use mechanical machinery to extract raw material from Som Bhadra river and the raw material is to be extracted only with manual labor. The quantity of raw material lying at site indicated that such huge quantity cannot be extracted manually, therefore the mining officer present at site was asked by the Chairman of the Monitoring Committee to assess the following :
 - Total quantity of raw material lying at site.
 - Manpower available with stone crusher.
 - How much quantity of raw material can be extracted per person/day.
 - No. of JCB/poclaim available with the stone crusher or taken on rent by the stone crusher.
 - Quantity of raw material processed per day to manufacture bajri and sand.
- 2) Quantity of products i.e bajri and sand produced by the stone crusher
- ii) No water sprinkling system has been provided on all the 5 conveyor belts of stone crusher.
- iii) No telescopic chutes have been provided at the end of conveyor belts.
- iv) No covered sheds have been provided on the material transfer points.
- v) No metalled road has been provided in the premises of the stone crusher.
- vi) No wind breaking wall has been provided around the stone crusher
- vii) No plantation has been provided around stone crusher.
- viii) No covered shed has been provided on the conveyor belts.
- ix) The stone crusher has also screening plant for which water is used for washing for sand/bajri and lot of wastewater, containing silt, is discharged into a drain provided within the premises of stone crusher. No settling tank has been provided to settle the sediments and no arrangements have been made to recycle the wastewater for washing of raw material. Lot of stagnation of wastewater, containing silt, was observed at site.

The photograph showing the conveyor belts without covering sheds and water sprinkling system, telescopic chute at their ends, material transfer points without covering sheds and accumulation of huge quantity of raw material within the premises of stone crusher are shown as per **plates 7 to 12**.



Plate-7: Photograph showing the conveyor belts without telescopic shoot at its end.



Plate-8: Photograph showing the conveyor belts without telescopic shoot at its end.



Plate-9: Photograph showing the conveyor belts without covering sheds and water sprinkling system



Plate-10: Photograph showing the conveyor belts without covering sheds and water sprinkling system



Plate-11: Photograph showing the material transfer point without covering sheds and huge quantity of raw material lying at site.



Plate-12: Photograph showing the wastewater containing silt without settling tank

5.3.2 Setting up of new stone crusher at Som Bhadra river

The residents of the nearby area have made complaint that 02 new stone crushers are being setup in village lower Basal and village Gugalher, which are not meeting with the prescribed siting guidelines.

With regard to setting up of new stone crusher in village lower Basal, complaint dated 15.6.2021, was submitted during the visit, which is annexed as per **Annexure-D**. In the complaint, it has been mentioned that new crusher, being setup in lower Basal, is near Government Senior Secondary school, Lower Basal and it may affect the health of students, in case, it is allowed to operate near the school. Moreover, the construction

work of stone crusher has been started without getting necessary approval from the concerned departments.

2nd stone crusher has been proposed to be setup in village Gugalher, which is being setup in agriculture land and it may affect the livelihood of the farmers and moreover, the land under stone crusher is meant for grazing of animals and the same is being setup about 430 m away from the residential area and Anganwari school and is not meeting siting guidelines prescribed by Himachal Pradesh State Pollution Control Board. A copy of the complaint made by the Gram Panchayat Gugalher is enclosed as per **Annexure-E**.

5.4 Observations of the Monitoring Committee

1. All the above facts indicate that lot of unscientific and illegal mining has been carried out and depth of the mining area has gone down upto 3m.
2. The over extraction of sand has diverted the flow of river from its original course to another direction, which has not only affected that ecology and ecosystem but has also created deep dug places in Som Bhadra river and the land has become useless and no agriculture can be done at the used site without its restoration or replenishment.
3. No replenishment study has ever been conducted at Som Bhadra river to adjudge as to whether enough sand/minor mineral is available at the site before permitting mining lease holder to conduct mining in the area.
4. No data w.r.t original bed level of river Som Bhadra and the level after conducting mining in the area is available.
5. No demarcation with pillars or with some permanent structure has been made at the mining sites, and it becomes difficult to fix the responsibility of mining lease holder for any illegal mining or mining in unscientific manner and without following the conditions mentioned in the mining plan submitted by them with the department of mining.
6. No weigh bridges have been setup by the mining lease holders before transporting the mined material to the collection point.
7. Mining of miner minerals in river is being carried out within 1/10th of its span or 5 meters from the banks of the river.
8. The vehicles used for transportation of sand have not been provided with GPS.
9. No mining lease holders have followed the conditions as mentioned in the Himachal Pradesh Minor (Concession) and Minerals (Prevention of illegal mining, transportation and storage) Rules, 2015.
10. There are only 05 mining check points provided at various locations in the catchment area of Som Bhadra river, which are not sufficient to capture illegal mining and over loading of vehicles.
11. No control room has been provided to control all the activities w.r.t prevention of illegal mining, over extraction of sand, overloading of trucks used for transportation of sand/bajri.

12. No mechanism is available for checking the mining being carried out in private land either by the land owner or any other contractor to whom private land has been leased out for mining of sand.
13. The current legal regime available for prevention of illegal mining is not adequate. There is need to amend the Himachal Pradesh Minor (Concession) and Minerals (Prevention of illegal mining, transportation and storage) Rules, 2015 to the extent that there should be a provision of imposing heavy fine on the violators by the officer deployed for checking mining sites and the vehicles used for transporting of illegal mined material may be released after getting fine equal to amount as mentioned in para no.8 of order dated 26.2.2021 in OA no. 360 of 2015 in the matter of National Green Tribunal Bar Association vs Virender Singh (State of Gujrat).

5.5 Recommendations of the Monitoring Committee

The visual observations of the Monitoring Committee at three places as mentioned above indicated that there was organized loot of natural resources causing loss to public exchequer more than Rs. 100 crores as well as lot of damage to the environment. It was found that illegal mining has been done in many hectares of land of river Som Bhadra, which is 63 km in length in Una area for which mining lease was not approved by the Govt. It indicates that there was absolutely no checking, when the mining officer and officer of Geology deptt., deployed for monitoring of sand mining, the said officer has put up an excuse of shortage of staff. He was also directed to measure the illegal and unlicensed mined area in the entire stretch of river and submit the report.

Surprisingly, it has come to the notice of the Monitoring Committee that everything has been left to the sweet will of the mining lease holder. Through the online system, the licensee declares the amount of mined material and the same is believed by mining officer without any further verification.

To stop this damage to natural resources, public money and environment, the following recommendations are made for immediate action.

a) Recommendations for immediate action.

1. An enforcement wing with adequate staff strength of atleast 30 persons under the control of Deputy Superintendent of Police may be deployed at Una to monitor Som Bhadra mining sites. The team should also include officers from department of geology and District Administration. The enforcement wing may patrol the area in three shifts along the river, where the sand mining/ mining of other mineral has been leased out. The said enforcement wing may be funded from District Mineral Development Funds, in which enough amount is available. The enforcement wing shall also provide Control Room at each cluster of mining sites for proper checking of the vehicles transporting the mined material.

In the control room, one dedicated landline number and an android phone with Whatsapp facility be provided and this number be circulated in the area on the both sides of river through village Panchayats. Each telephone call should be entered in a register and if there is complaint regarding illegal mining, District Level Special Task Force should take immediate action. The control room be provided with four vehicles (four wheel driven jeeps) to control the area in day and night shifts.

2. The stone crusher owner may be directed to maintain complete record of manpower employed at mining lease area for digging minor mineral and also at the site of stone crusher.
 3. The Mining Officer should be the competent authority to specify the transport route which shall be used by the vehicles used by the mining lease holders so that it may route through atleast one of the mining check posts established by the Department. There should be complete restriction on loading & transport of mined material during night hours (7:00 PM to 6:00 AM), since this is the time window which is used for maximum evasion. These provisions already exist in respect of forest produce under the Himachal Pradesh Forest Produce Transit (Land Routes) Rules, 2013 and the similar provisions can be adopted in respect of mined minerals with salutary effect. Currently, the lessee generates Form -X at his own end which does not have the option of specifying the transit route. Lessee should give a list of vehicles to the Mining Officer which should be entered into the portal and which will get auto-populated in the software in the lessee's login. The list of permitted vehicles should be shared with the Police Department and with the mining check posts. Any vehicle which is not in the list given by the lessees, should simply be impounded. All these vehicles should be made GPS enabled by the lessee and their movement should be accessible by the Mining Department through a central access login.
 4. Advance Technological Drones may be provided to the Mining department to take prompt action against illegal mining activity.
 5. While approving mining plan of the mining area, Geo-fencing of the area to be leased out should be made so as to remove any ambiguity relating to mining lease area and boundaries.
- b) Other recommendations of the Monitoring Committee.
1. A Committee under the Chairmanship of Additional Deputy Commissioner, Una and officers of other Departments namely Department of Mining, Department of Police, Department of Revenue, Geology and HPSPCB shall prepare a detailed plan of the mining area in Som Bhadra river mentioning the original bed level of river, level upto which extraction of sand has been done, total quantity of sand or any other minor mineral extracted per year, the quantity of mined material in the record of mining department and the

quantity of permitted mined material, quantity of mined material which was over extracted and transported illegally to sell in the market. A proper document in this regard may be prepared and assessment of damage caused to the environment and loss occurred to the State due to illegal activity may be done within 2 months. The said detailed report may be submitted to the Deputy Commissioner, Una.

Cost of damage caused to environment and financial loss made to the Government may be calculated by the said Committee based on the Approaches I and II mentioned as in para No. 10 and 25 of order dated 26.2.2021 in OA No. 360 of 2015 in the matter of National Green Tribunal Bar Association Vs Verinder singh (State of Gujrat). The persons/contractors involved in illegal activities for over extraction of mined material using non scientific and illegal method for extraction of Sand/Bajri may be identified and cost of damage caused to the environment and loss of royalty to the State may be imposed within 3 months. The said financial loss caused to the Government and cost of damage caused to the ecological system may be recovered from the defaulters by the department of mining.

2. Since lot of indiscriminate and over extraction of sand involving unscientific method and deep dug places have been found in Som Bhadra river in almost all the mining sites either on Government land or by the private land owner, as such, it is not advisable to allow mining leases in the area for atleast 01 year till the replenishment of all the dugged mines is properly occurred and bed level of the river comes to its original level.
3. To identify the location of the mining sites, concrete pillars may be erected as a sign of demarcation around the mining site within 02 months.
4. All the vehicles utilized for transportation of mined material should be provided with GPS for its real time tracking within 02 months.
5. All the mining lease holders shall jointly provide one weigh bridge at each cluster of mining sites for weighing of mined material within 03 months and proper record in this regard may be maintained and it may be submitted to mining department on daily basis.
6. The cluster of mining sites should be provided with only one entry, one exit gate and one check post so that any illegal mining and transportation may be restricted.
7. All the mining lease holders shall provide CCTV cameras at all the vulnerable points with its connectivity to Deputy Commissioner office/Control Room and Mining Department to control illegal and unscientific mining and transportation within 03 months.
8. The Monitoring mechanism for seize and release of vehicles used for illegal mining, scale of compensation for violation on polluter pays principle as mentioned in the para no. 8 to 11 of order dated 26.02.2021 in OA no.

360/2015 in the matter of National Green Tribunal Bar Association Vs Virender Singh may be implemented by the concerned departments of Himachal Pradesh. The monitoring mechanism and suggestive additional requirements as mentioned in sub para no. 9.4 and 9.5, respectively, of para 18 of said order may also be implemented.

9. The State of Himachal Pradesh shall strictly follow Sustainable Sand Mining Guidelines, 2016 and Enforcement and Monitoring Guidelines for Sand mining, 2020 for preparation of District Survey Report (DSR), environmental management plan, replenishment studies, mine closure plan and grant of environment clearance.
10. The State of Himachal Pradesh shall also implement the directions issued in para no.28 of order dated 26.02.2021 in OA No. 360 of 2015 by way of getting conduct visit to the mining lease sites by a five member committee, headed and coordinated by the SEIAA and comprising CPCB (wherever it has regional office), State PCB and two expert members of SEAC dealing with the subject. Such inspection must be conducted at least thrice for each lease i.e. after expiry of 25% the lease period, then after 50% of the period and finally six months before expiry of the lease period for midway correction and assessment of damage, if any.
11. While selecting mining sites to be given on mining lease, the stipulations for grant of mining leases, stipulations for river bed mining as mentioned in the Himachal Pradesh Minor Mineral (Concession) and Minerals (Prevention of illegal mining, transportation and storage) Rules, 2016, may be implemented.
12. In case of mining in private land, if any violation of the terms and conditions of the lease agreement is detected/ observed by way of extraction of sand/minor mineral more than the permissible quantity and mining is done in non scientific manner by using mechanical machinery etc, the said private land owner may not be allowed to lease out his land for mining in the next two year.
13. JCBs/earth moving equipments deputed at dump sites may be provided with advance technological GPS with suitable alert mechanism to prevent unscientific/mechanical mining within 3 months.
14. Rule 73 of Himachal Pradesh Miner Minerals (concession) and minerals (prevention of illegal mining, transportation and storage) Rule, 2015 may be amended to the extent that powers for challaning the vehicles used for illegal activities and recovery of the fine amounting to Rs 50,000/- may be with the mining officer of department of Mining.
15. The Government of Himachal Pradesh may issue appropriate notification to implement the Judgment of Hon'ble NGT dated 26.02.2021 in the matter of *National Green Tribunal Bar Association vs. Virender Singh* (OA No. 360/2015) regarding seizure and penalties on vehicles found doing

illegal mining, specifically paragraphs 8 and 9 of the judgment and for imposing penalties on violators for releasing of vehicles engaged in illegal mining as per formula approved in para 12 of the said order taking into account the net present value (NPV) of the environmental damage and not merely loss of royalty may also be approved for use during compounding of offences instead of the paltry sum of Rs. 50,000/-.

16. As per the provisions of section 22 of the Mines and Minerals (Development & Regulation) Act, 1957 [(MMDR Act, 1957)], there is provision that no court shall take cognizance of any offence punishable under this Act or any rules made thereunder except upon complaint in writing made by a person authorized in this behalf by the Central Govt. or State Govt. As such, the police can not register an FIR against the violator on the complaint of any citizen/individual. There is need to amend the said section of MMDR, Act, 1957 to the extent that police department should have powers to register FIR against the violators.
17. The Mining Department may create an online app which can be used by all officers authorized for compounding so that an alert can be generated for vehicle numbers in case of repeat violations are occurred. In all such cases, FIR should be registered and the case should be sent to Court for trial & conviction.
18. As per Rule 73 of the Himachal Pradesh Miner Minerals Rules, 2015, in case of illegal mining is done mechanically in the river/stream beds, the amount of compounding fee shall not be less than Rs. 50,000/-. This is a very small penalty and the machine used in illegal mining gets used again and again and violators recoup the financial penalty within a day or two. Currently, any machine or transport vehicle found engaged in illegal mining can be seized by the officer on the spot (after two violations) but it can only be confiscated by competent court of law as per Section 21 (4A) of the MMRDA, 1957. This provision is ineffective and does not create any deterrence for the violators. To create real deterrence, machines or transport vehicles found engaged in illegal mining should be allowed to be confiscated by the officer seizing them in the first instance itself and vested in the State Government and allocated to the executing agencies of the Government for use. The onus should be on the owner of the machinery/ vehicle to avail legal remedies to recover the possession thereof. This would absolutely deter mechanical mining in the river bed.
19. The Department of Mining shall increase number of check posts. Mining lease holders shall declare and get register all the vehicles used for transportation of mined material with Mining Department. The mined material shall be brought to the check post for its weighing and keep the weighing slips with them. Form X should be issued only in case of declared registered vehicles. There should be monthly inspection of the lessees by

the Mining Officer to match the Form-X and weighing slips and any discrepancy should be considered as illegal mining and fine recovered thereof.

20. Rule 34 (v) of Himachal Pradesh Miner Minerals (concession) and minerals (prevention of illegal mining, transportation and storage) Rule, 2015 provides that mining site shall only be handed over to the mining lease holder, after it is duly demarcated by permanent boundary pillars and certified by concerned Mining Officer. In river bed mining, lessee takes the plea that the boundary pillars get washed away during monsoon season. Consequently, lessee can mine wherever they want until someone challenges their rights and applies for a demarcation. The Mining Department urgently needs to float RFP to explore the possibility of geofencing of mining areas and effectiveness of other technological measures like remote volumetric analysis in case of river bed mining.
21. While approving the mining plan, the concerned department shall issue its statement that sufficient sand/miner mineral is available at the site for N number of years and accordingly mining leases may be accorded for specific time for which the material is available for mining.
22. District level Task Force shall check the compliance of Mining Plan submitted by each mining lease holder operating their mining activities in Som Bhadra river within 02 months and report be submitted to Mining department as well as Deputy Commissioner, Una for further action.
23. The Department of Irrigation (Swan river flood management circle) shall continue to inspect the banks and infrastructure developed for channelization of river Som Bhadra and ensure that no portion of channelized river is damaged due to mining activities in the area. Their inspections may be conducted on quarterly bases.
24. The department of Transport and Police shall jointly check the overloaded trucks / vehicles with extended bodies carrying minor mineral/sand and heavy fine may be imposed on these vehicles/trucks. The trucks/vehicles and driving License of the driver may be seized and put into safe custody for 01 month and these trucks/vehicles shall be released following the procedure and methodology as mentioned in para 8 of order dated 26.2.2021 in OA No 360 of 2015 in the matter of National Green Tribunal Bar Association V/s Virender Singh (State of Gujarat).
25. District level Task Force shall seize the vehicles used for illegal mining in Som Bhadra river and these may be released as per methodology mentioned Para 8 in order dated 26.2.2021 in OA No 360 of 2015.
26. For transporting of minor mineral from mining area, only one or two roads may be fixed and notified by department of Mining and all the mined materials should be routed only through these roads. The check posts may be constructed on these roads. There shall be total restriction on the

movement of trucks carrying/transporting minor minerals/sand on the other non notified roads.

27. The department of Mining/Geology shall provide Geo fencing on all mining lease areas in river Som Bhadra within 03 months.
28. All the mining lease holders shall provide advance technological GPS on the declared/registered vehicles deployed for transportation of mined material having their connectivity with the office of Deputy Commissioner and Mining Department within 3 months so that their movement can be tracked and can be monitored by the Department of Mining and Police and prompt action may be taken against the illegal mining operator.
29. The department of Irrigation may continue to make survey along river Som Bhadra four times in a year to ensure that no sand and gravel is allowed to be extracted, where, soil erosion may occur and especially at the concave banks of the river.
30. The department of Mining shall identify ways of scientific and systematic mining in Som Bhadra river and shall conduct replenishment study to determine the time for continuing replenishment of river bed after mining in the area as per the methodology mentioned in Sustainable Sand Mining Management Guidelines, 2016.
31. The department of Mining shall ensure that while preparing District Survey Report of mining area along Som Bhadra river, the stretches of river having aggradations/deposition of material where mining can be allowed, may be identified. The area of erosion and proximity to infrastructure structures and installation, where mining should be prohibited should be identified. Further, the District Survey report of mining area may be prepared as per the methodology mentioned in Sustainable Sand Mining Management Guidelines, 2016.
32. For monitoring illegal sand/gravel mining in Som Bhadra river, there should be a provision of checking Transport permits, printing of transport permit on security papers, invisible ink mark, fugitive ink background and unique barcode system. The department of Mining shall provide said documents to the monitoring teams or District Level Special Task Force at District level within 3 months. The Monitoring team deployed for checking of vehicles/trucks carrying mined material should be in a position to check the validity of Transport permit or receipt by scanning them using website, mobile phone application and SMS etc.
33. There should be a mechanism at district level to generate the system which may enable the authorities to develop periodic report on different parameters like daily lifting report, vehicle log or history, lifting against allocation and total lifting. The system can be used to generate auto mails or SMS. This will enable the Deputy Commissioner to get all the relevant

details and shall enable the authority to block the scanning facility of any site found to be indulged in irregularity.

34. During the visit to the stone crushing unit namely Rudhra Stone Crushing and Screening Plant, V.P.O. Basal Lower, Una on 17.6.2021, it was observed that lot of raw material i.e boulder and bajri of big size was found stored at site. These stone crushers have not been allowed to use mechanical machinery to extract raw material from Som Bhadra river and the raw material is to be extracted only with manual labor. The quantity of raw material lying at site indicated that such huge quantity cannot be extracted manually, therefore, the mining officer, present at site was asked by the Chairman of the Monitoring Committee to assess the following :

- i) Total quantity of raw material lying at site.
- ii) Manpower available with stone crusher.
- iii) Quantity of raw material can be extracted per person/day.
- iv) No. of JCB/poclaim available with the stone crusher or taken on rent by the stone crusher.
- v) Quantity of raw material processed per day to manufacture bajri and sand.
- vi) Quantity of products i.e bajri and sand produced and sold by the stone crusher

The above data may be supplied to Deputy Commissioner, Una. The data may be analyzed jointly by Department of Mining and Himachal Pradesh State Pollution Control Board and in case, it is proved that mechanical machinery has been used for extraction of raw material, legal action against the stone crusher may be taken as per the provisions of Himachal Pradesh Mine Minerals (concession) and Minerals, Rules, 2015.

Besides, there were following observations w.r.t. pollution control system, which are mentioned as under:

- i. No water sprinkling system has been provided on all the five conveyor belts.
- ii. No telescopic chutes have been provided at the end of conveyor belts.
- iii. No covered sheds have been provided on the material transfer points.
- iv. No metalled Road has been provided in the premises of the stone crusher.
- v. No wind breaking wall has been provided around the stone crusher
- vi. No plantation/green cover has been provided around stone crusher.

- vii. No covered sheds have been provided on the conveyor belts.
- viii. The stone crusher has also screening plant for which water is used for washing for sand/bajri and lot of wastewater, containing silt, is discharged into a drain provided within the premises of stone crusher. No settling tank has been provided to settle the sediments and no arrangements have been made to recycle the wastewater for washing of raw material. Lot of stagnation of wastewater, containing silt, was observed at site.

Also there are 23 stone crushing units operating in the catchment area of Som Bhadra River, out of which Monitoring Committee has visited 01 unit as mentioned above. The list of the 23 stone crushing units is annexed as per Annexure -F.

The Monitoring Committee recommended as under:

- i) The stone crushing unit namely M/s Rudhra Stone crushing and screening plant may be issued closure notice by HPSPCB after following due procedure as per the provisions of the Air Act, 1981 and Water Act, 1974.
- ii) HPSPCB should visit all the remaining 22 stone crushing units operating in the catchment area of Som Bhadra River and check all the points of the code of practice to be implemented by these stone crushers to control air pollution and action against the violating stone crushing units may be taken within one month.
- iii) All the stone crushers, located in the catchment area of river Som Bhadra, shall provide adequate plantation all around their periphery within 2 months.

35. During the visit of the Monitoring Committee to the mining sites of Basal lower area, the residents of the nearby area have made complaint against the setting up of 02 new stone crushers, which are not meeting with the prescribed siting guidelines. The Monitoring Committee recommends that Himachal Pradesh Pollution Control Board should take immediate steps to get stop the construction of stone crushing units, in case, these are not meeting with the prescribed parameters/guidelines from the residential area/ sensitive places/ other features.

36. A news item dated 20.6.2021 has been published in the Tribune stating that 200-250 trucks carrying mined material from Himachal Pradesh are entering into the State of Punjab creating loss of royalty and financial loss to the State Government and Punjab Mining Industry, respectively. The news item is annexed as per Annexure-G.

The five member Committee recommends that the department of mining and police department of State of Punjab shall take adequate steps to check the entry of these trucks carrying mined material in the State of Punjab. Strong barricades may be erected on the different routes so as to stop the entry of these illegal trucks in the State and legal action may be taken as per the provision of the Minor Minerals (Development & Regulation) Act, 1957

37. Adequate plantation may be done along the river Som Bhadra in District Una for stabilizing its embankments.
38. In order to protect soil erosion, soil conservation works may be completed in a time bound manner.
39. The Monitoring Committee recommends that Hon'ble National Green Tribunal may direct the State of Himachal Pradesh to implement all the recommendations made by the Monitoring Committee in a time bound manner and State Govt. may also be directed to submit the timelines on the action to be taken on the recommendations made by the independent five members committee before Hon'ble National Green Tribunal.

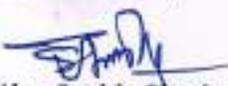

Dr. Babu Ram


Suneel Dave
Regional Director, CPCB


Dr. V.K Hatwal
Director, MOEF

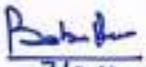
Sd/-
Dr. P.R. Ojasvi,
IISWC, Dehradun

Sd/-
Dr. Ranjeet Kumar
Scientist-E, HFRI, Shimla


Justice Jasbir Singh
Former Judge,
Punjab & Haryana High Court
now as Chairman of the
Monitoring Committee

Note-1: Dr. P.R.Ojasvi, ICAR-Indian Institute of Soil and Water Conservation (IISWC), Dehradun and Dr. Ranjeet Kumar, Scientist-E, HFRI, Shimla have submitted through e-mail dated 7.7.2021 that their consent is hereby conveyed for using their name as digitally approved in the report as the report has been approved by them (copy of e-mail dated 7.7.2021 is enclosed herewith as per **Annexure-7**)

Note-2: After Completion and signing the report by the members of the independent five member committee, a communication from Mining Officer, Deptt. of Mining, Una has been received through e-mail dated 7.7.2021 (copy enclosed as per **Annexure-8**) mentioning the extraction of large quantity of mined material from the area for which no license/mining leases have been granted by the department.


7/7/2021

Item No. 05

Court No. 1

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

Original Application No. 57/2021

Amandeep

Versus

Applicant

State of Himachal Pradesh

Respondent

Date of hearing: 02.03.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER****ORDER**

1. Grievance in this application is against illegal mining at Som Bhadra River (Swan river) in District Una of Himachal Pradesh. It is stated that the Central Government has sanctioned 922 Crores for the channelization of this River. Channelization work was done by spending huge public fund. As many as 73 Khads (Mini water channels from different catchment areas of nearby villages) were also channelised from this huge budget for the welfare of the people at large so that the agricultural land of the nearby villages of the River may be protected from the huge flow of water of this river during rainy season. 'Sand Mafia' having political shelter under the garb of a mining licence, are lifting the sands and other material from the bed of this Swan river in an unscientific manner by using big Pokland and JCB machines, in utter violation of the norms and rules framed for the purpose under the nose and eyes of the local District Administration and government, causing constant danger to the river and to the channelization of this river. Thousands of Trucks are being loaded beyond the required capacity and running on the roads in utter violation of the

norms fixed by the Government. The Trucks-Tippers are being over loaded which are causing damage to the roads, causing pollution in the area, inconvenience to the public at large on the roads and accidents are taking untimely lives of the people at large. There is every possibility that it may cause not only loss, damage and destruction to the channalisation work of the Swan river, it may also cause damage to the bridges, leading to loss of public funds already spent for this purpose, besides loss to the water level. It may cause pollution in the area and threat to peaceful atmosphere of green State of Himachal Pradesh, apart from damage to the roads. The applicant has also relied upon media reports.

2. The above averments give rise to a substantial question of environment which needs to be determined by this Tribunal after verification of the facts. The issue of remedial action to control the menace of sand mining has been dealt with by recent order dated 26.02.2021 in *O.A. 360/2015, NGT Bar Association v. Virender Singh (State of Gujarat) & Ors.*

3. Accordingly, the Secretary, Environment, HP, the State PCB and the District Magistrate, Una may verify facts and take further steps in the matter in terms of the above order of this Tribunal, following due process of law and give its report 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 and also upload the same on website of State PCB simultaneously so that the concerned parties/Departments can access the same for further course of action. The State PCB will be nodal agency for compliance and coordination.

4. We also constitute an independent five-member Committee headed by Justice Jasbir Singh, former Judge of Punjab and Haryana High Court,

and comprising Regional Officers of the CPCB, the MoEF&CC, the Central Soil and Water Conversation Research Institute, Dehradun and the Himalayan Forest Research Institute, Shimla with the Regional Officer, MoEF&CC, Chandigarh being nodal agency. The Committee may visit the site and give an independent report of facts found and remedial action required. The State PCB and the District Magistrate, Una will provide logistic support to the independent Committee by e-mail as above. The Committee will be at liberty to take assistance from such other Institutions/Experts/individuals as necessary. Justice Jasbir Singh, former Judge of Punjab and Haryana High Court will be paid honorarium by the State PCB to be determined by the Chairman, State PCB in consultation with him.

The applicant may serve a set of papers on the Secretary, Environment, HP, the State PCB, the District Magistrate, Una, Justice Jasbir Singh, former Judge of Punjab and Haryana High Court, the CPCB, the MoEF&CC, the Central, Soil and Water Conversation Research Institute, Dehradun and the Himalayan Forest Research Institute, Shimla and file an affidavit of service within one week.

A copy of this order be forwarded to the Secretary, Environment, HP, the State PCB, the District Magistrate, Una, Justice Jasbir Singh, former Judge of Punjab and Haryana High Court, the CPCB, the MoEF&CC, the Central, Soil and Water Conversation Research Institute, Dehradun and the Himalayan Forest Research Institute, Shimla by e-mail for compliance.

List for further consideration on 10.05.2021.

Adarsh Kumar Goel, CP

S.K. Singh, JM

Dr. Nagin Nanda, EM

March 02, 2021
Original Application No. 57/2021
SN

From

The District Magistrate,
Una, District Una (H.P.)Submitted for information
please.

To

The Hon'ble National Green Tribunal,
Principal Bench, New Delhi.No. /AC/MA
Dated .04.2021

Cawar (M.C.)

bl
22.04.2021Sub: - O.A. No. 57 of 2021 titled as Amandeep Versus State of
Himachal Pradesh.

Respected Sir,

It is most respectfully submitted that in compliance to the order dated 02.03.2021 passed by this Hon'ble Tribunal the undersigned had constituted a committee under the chairmanship of the Additional Deputy Commissioner, Una vide order bearing endorsement No. 3185-3195/AC/MA dated 20.03.2021 (copy annexed as **Annexure-A**) with the direction to examine and verify the facts after spot verification and take further steps in the matter in terms of order dated 26.02.2021 passed by this Hon'ble Tribunal in O.A. No. 360/2015 and submit its report within a week to the undersigned. It is further submitted that the Addl. Deputy Commissioner, Una vide his letter No. 280/Dev/ADC dated 07.04.2021 (copy annexed as **Annexure -B**) while sending detailed report has submitted that this report has been prepared on the basis of random surprise spot visit to major Swan River Mining Areas (28.03.2021 and 01.04.2021), meeting held with the members of the said committee on 31.03.2021 as well as reports and replies received from all the concerned departments to verify the allegations mentioned in the original application before this Hon'ble Tribunal.

This is for favour of your kind information & further necessary action please.

Encls: As above.

Yours faithfully,

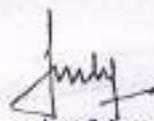
Raghav Sharma, IAS
District Magistrate,
Una, District Una (H.P.)
Ph. No.01975-225800.

3210-3212
Endst No. /AC/MA

Dated 07.04.2021

A copy is forwarded to: -

1. Dr. Babu Ram, Technical Expert, Monitoring Committee constituted by the Hon'ble Tribunal (through Email on cecswm606@gmail.com) for favour of information please. Tower No. 5 4th Floor Forest Comptroller & Secy-68 SA JNN-PP (PB)
2. The Member Secretary, H.P. State Pollution Control Board, Him Parivesh Phase -III, New Shimla-9 for favour of information please w.r.t. his letter No. 26626-30 dated 12.03.2021.


District Magistrate,
Una, District Una (H.P.)

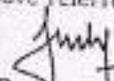
Office of the
District Magistrate, Una District Una (H.P.)

Office Order

Since the Hon'ble National Green Tribunal Principal Bench, New Delhi vide order dated 02.03.2021 passed in Original Application No. 57/2021 titled as Amandeep Versus State of Himachal Pradesh has directed the undersigned to verify facts and take further steps in the matter in terms of order dated 26.02.2021 in O.A. No. 360/2015 titled as NGT Bar Association Vs. Virender Singh (State of Gujrat & Ors) of the Tribunal, following due process of law and give its report by email at judicial-ngt@gov.in. The Hon'ble NGT has also directed the undersigned to provide logistic support to the Independent Committee which has been constituted by the Hon'ble NGT vide aforementioned order dated 02.03.2021. Therefore, in compliance with the aforementioned order dated 02.03.2021 of the Hon'ble NGT and in order to verify the facts and take further steps in the matter in terms of order dated 26.02.2021 in O.A. No. 360/2015, a committee consisting of following members is constituted:-

1. Additional Deputy Commissioner, Una - Chairman
2. The Superintendent of Police, Una - Member
3. The Superintendeing Engineer, I&PH Circle, Una. -do-
4. The Superintending Engineer, Swan River Una, District Una (H.P.) -do-
5. The Superintending Engineer, H.P. PWD, Una District Una (H.P.) -do-
6. All the Sub Divisional Officers (Civil) in Una district. -do-
7. The Environmental Engineer, H.P. Pollution Control Board, Una -do-
8. The Regional Transport Officer, Una -do-
9. The Assistant Engineer, Soil & Conservation, Una -do-
10. The Mining Officer, Una - Member Secretary

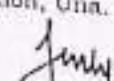
The above committee would examine and verify the facts after sport verification and take further steps in the matter in terms of order dated 26.02.2021 in O.A. No. 360/2015 titled as NGT Bar Association Vs. Virender Singh (State of Gujrat & Ors) of the Tribunal and submit its report within a week to the undersigned from the receipt of this order. The Committee would also provide logistic support to the above referred Independent Committee as and when the same is required.


Raghav Sharma (IAS),
District Magistrate,
Una, District Una (H.P.)
Ph. No. 01975-225800
Dated 20.03.2021

Endst. No. 3185-3193 /AC/MA

A copy is forwarded to:-

1. Additional Deputy Commissioner, Una
2. The Superintendent of Police, Una,
3. The Superintendeing Engineer, I&PH Circle, Una,
4. The Superintending Engineer, Swan River Una, District Una (H.P.)
5. The Superintending Engineer, H.P. PWD, Una District Una (H.P.)
6. All the Sub Divisional Officers (Civil) in Una district.
7. The Environmental Engineer, H.P. Pollution Control Board, Una.
8. The Regional Transport Officer, Una.
9. The Assistant Engineer, Soil & Conservation, Una.
10. The Mining Officer, Una.


District Magistrate,
Una, District Una (H.P.)

From

The Additional Deputy Commissioner,
Una, District Una (HP)

To

The Deputy Commissioner,
Una, District Una (HP)

No. 280 /Dev/ADC

Dated: - 07.04.2021

Subject :- O.A No. 57/2021 tilted as Amandeep Versus State of Himachal Pradesh.

Sir,

Kindly refer to your officer order bearing Endst No. 3185-3195/ AC/MA dated 20.03.2021 on the subject cited above. Please find enclosed herewith the detailed verification cum enquiry report in compliance to order dated 02.03.2021 passed by Hon'ble NGT. This report has been prepared on the basis of random surprise spot visit to major Swan River Mining Areas (28/3/2021 and 01/04/2021), meeting held with the members of the committee on 31.03.2021 and reports and replies received from all concerned departments to verify the allegations mentioned in the application before NGT for favour of further necessary action please.

Yours faithfully,


(Dr) Anur Kumari Sharma, IAS
Additional Deputy Commissioner,
Una District Una (HP)

AC
7/4/2021

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Verification cum Enquiry report in compliance to order dated 2/03/2021 passed by Hon'ble NGT in O.A. No. 57/2021 in the matter of Amandeep vs State of Himachal Pradesh

1. Background:

The matter is in reference to order dated 2/03/2021 passed by Hon'ble NGT in O.A. No. 57/2021 in the matter of Amandeep vs State of Himachal Pradesh and letter no. CEC/2021/1677, dated 14/3/2021 received from Office of Monitoring committee (constituted by Hon'ble NGT). The matter being dealt in this order is a grievance against illegal mining being carried at Som Bhadra River (Swan River) in district Una of Himachal Pradesh.

In the above mentioned order, following directions were issued by Hon'ble NGT:

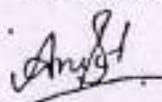
"3. Accordingly, the Secretary, Environment, HP, the State PCB and the District Magistrate, Una may verify facts and take further steps in the matter in terms of the above order of this Tribunal, following due process of law and give its report by email at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF and also upload the same on website of State PCB simultaneously so that the concerned parties/Departments can access the same for further course of action. The State PCB will be nodal agency for compliance and coordination.

4. We also constitute an independent five-member Committee headed by Justice Jasbir Singh, former Judge of Punjab and Haryana High Court, and comprising Regional Officers of the CPCB, the MoEF&CC, the Central Soil and Water Conservation Research Institute, Dehradun and the Himalayan Forest Research Institute, Shimla with the Regional Officer, MoEF&CC, Chandigarh being nodal agency. The Committee may visit the site and give an independent report of facts found and remedial action required. The State PCB and the District Magistrate, Una will provide logistic support to the independent Committee by e-mail as above. The Committee will be at liberty to take assistance from such other Institutions/Experts/ individuals as necessary."

Therefore, in compliance with the aforementioned order dated 02/03/2021 of the Hon'ble NGT and to verify the facts and take further steps in the matter in terms of order dated 26/02/2021 in O.A. No. 360/2015, DC Una constituted a committee on 20/03/2021. The committee consisted of Additional Deputy Commissioner (ADC) Una (Chairman), Superintendent of Police (SP) Una (member), Superintending Engineer (SE) IPH Circle Una (member), Superintending Engineer, Swan River Una (member), Superintending Engineer (SE) HPPWD, Una (member), All the Sub Divisional Officers (Civil) of Una district (member), Environmental Engineer, H.P. Pollution Control Board, Una (member), Regional Transport Officer Una (member), Assistant Engineer, Soil & Conservation, Una (member) and Mining Officer, Una (Member Secretary).

The committee was directed to verify the facts after spot verification and take further steps in the matter in terms of order dated 26/02/2021 on O.A. No. 360/2015 titled as NGT Bar Association Vs. Virender Singh (State of Gujarat & Ors.) of the tribunal and submit the report.

This report has been prepared on the basis of random surprise spot visits to major Swan River Mining Areas (28/3/2021 and 01/4/2021), meeting held with the members of the committee on 31/03/2021 and reports



and replies received from all the concerned departments to verify the allegations mentioned in the application before NGT.

2. Contents of the Application:

In his application (Original application no. 57/2021) before the National Green Tribunal, Principal Bench, New Delhi, applicant Amandeep made following allegations:

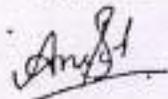
"Sand Mafia" having political shelter under the garb of a mining licence, are lifting the sands and other material from the bed of this Swan river in an unscientific manner by using big Pokland and JCB machines, in utter violation of the norms and rules framed for the purpose under the nose and eyes of the local District Administration and government, causing constant danger to the river and to the channelization of this river. Thousands of Trucks are being loaded beyond the required capacity and running on the roads in utter violation of the norms fixed by the Government. The Trucks-Tippers are being over loaded which are causing damage to the roads, causing pollution in the area, inconvenience to the public at large on the roads and accidents are taking untimely lives of the people at large. There is every possibility that it may cause not only loss, damage and destruction to the channalisation work of the Swan river, it may also cause damage to the bridges, leading to loss of public funds already spent for this purpose, besides loss to the water level. It may cause pollution in the area and threat to peaceful atmosphere of green State of Himachal Pradesh, apart from damage to the roads. The applicant has also relied upon media reports".

3. Background of Mining in Swan River:

The Swan river is the major river flowing in the district having good mineral potential with the length of about 63 Km, area of about 3700-00-00 hectare and catchment area of about 1222 Sq. Km. The Swan river is having total 33 tributaries on the right bank and 17 tributaries on the left bank. It forms a part of Sutlej River Drainage system. It exhibits dendritic type of drainage pattern. The Swan is primary tributary of Sutlej River which originates near village Dangoh at an altitude of 972 metres from mean sea level (MSL) and meets the Sutlej River downstream of Himachal Pradesh border in Punjab.

As per the provisions of the Himachal Pradesh Minor Minerals (Concession) and Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2015 and the Notification issued on dated 15.01.2016 by the Ministry of Environment, Forest, and Climate Change, Government of India, District Survey Report has been made essential for obtaining the environment clearance for mining in the river beds. The District Survey Report as finalized by the District Environment Impact Assessment Authority (DEIAA) after carrying out a survey with the assistance of Geology Department, Irrigation Department, Forest Department, H.P. Public Works Department, Ground Water Board or Remote Sensing Department & Mining Department etc. On the basis of recommendations given in the District Survey Report, mineral concessions are granted by the competent authorities.

To meet out the demand of the raw material through the legal source in Una district, total 92 no's of the Mineral concessions have been granted and 46 stone crushers have been sanctioned. Out of 46, 39 stone crushers are operative in the district and adjoining border area.



Since the construction & developmental activities have increased many folds as such, to meet out the requirement of raw material for the development processes in district Una the extraction of sand, stone and bajri is being carried out from the mining leases granted in river beds as per the recommendation of District Survey report as well as from hill slopes. The demand of sand is mainly met through by river borne sand whereas the demand of bajri/grit is either met through river borne collection or through manufactured grit by stone crushers. Two types of mineral concessions are being granted in the district i.e. through grant of mining Lease on private land and through process of open auction in Govt. land. Before the grant of any mineral concession, the area applied by the private project proponent is investigated through a Joint Inspection committee which has been constituted under the chairmanship of Sub- Divisional Magistrate concerned, having members from the Revenue department, representative of I&PH department, Forest department, HPPWD department, HP Pollution control board and Mining officer. The aforesaid joint inspection committee further study the various distance parameters such as location of the water supply and irrigation & Public health schemes, location of the public utility points, bridges, cremation sheds, hydroelectric projects reservoir, Ghats, public paths, Khuls, River bunds and check dams, wild life sanctuaries, HPPWD structures etc. located around the region of the identified sites. Accordingly, the committee sends the recommendations to the higher authorities after keeping the safe distance from the sensitive locations at the site. In the Una district, additional member i.e. representative of the flood protection department are also involved in the joint inspection so that the area bearing the safe distance from the embankment or channelization be proposed.

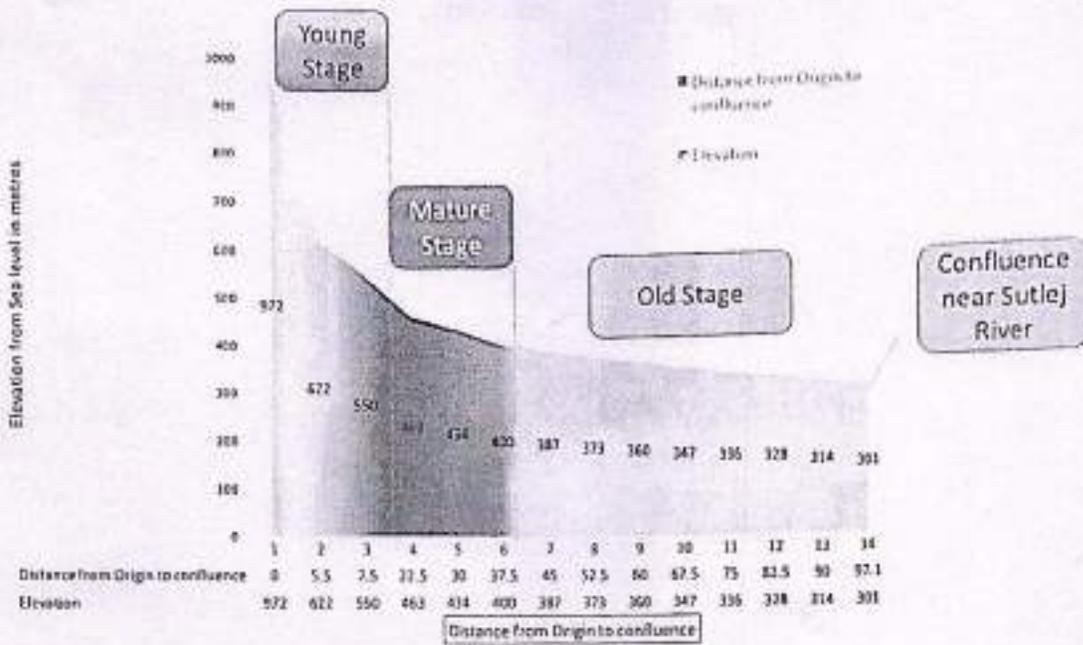
As such the mineral bearing area is recommended for the mineral concession only after the spot inspection and recommendations of above said joint inspection committee and rest of the area which may have sufficient minerals, but due to the location of the above said sensitive structures could not be allotted for the mining purposes, sometimes becomes vulnerable for the illegal mining activities. Before starting the mining in the granted mining lease area, project proponent has to get the mining plan approved from the competent authorities for the systematic & scientific mining. In the granted area, the minable reserves on the allotted site are calculated in the mining plan and the concession holders has to restrict the production of the minerals in accordance to the approved mining plan or the Environment clearances, whichever is less.

Since "Swan river" flowing in the District is the main source of mineral sand, stone, & bajri, and has attained its matures stage in Una, therefore remarkable load in the form of sand, stone & bajri gets accumulated in the Swan river annually especially during the rainy season. As such to meet out the requirement of minor mineral in the district, total of 92 no's of mining leases have been granted in the district Una till 15th March 2021, out of which 58 mining lease have been granted in the Swan river. From total 58 no's of mineral concessions in the Swan river, 33 no's of mineral concessions have been granted in private land and 04 no's of mining leases granted by the way of auction in the Govt. land for the open sale of the river borne material. The remaining 21 no's of mineral concessions granted in the Swan River have been sanctioned to the feed the existing stone crushers units (Details of 58 mining leases as per annexure-1).

As per the river profile of the Swan river, majority of the lease areas fall under "old stage" part of the river bed. Thus the river spreads the minor minerals to considerable length and breadth especially sand.

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Stream Gradient & Stream Stages of Swan River



| Sub-Division | Type of Land | | Grand Total (Percentage) |
|--------------------|-----------------|----------------|--------------------------|
| | Government Land | Private Land | |
| Amb | 45470 | 123418 | 168888 (8%) |
| Gagret | | 460281 | 460281 (22%) |
| Haroli | | 413841 | 413841 (20%) |
| Una | 282930 | 769399 | 1052329 (50%) |
| Grand Total | 328400 | 1766939 | 2095339 |

Table 1: Summary of Mining leases given in Swan river bed (58 leases in total)

Overall 50% percent of mining lease areas in Swan river bed, fall under the jurisdiction of Una Sub-division, followed by Gagret Subdivision (22%), Haroli Subdivision (20%) and Amb subdivision having minimum of the lease area (8%). As per the GPS coordinates received from field revenue officials' majority of the mining lease area fall south-east to the Gha'uwal Bridge.

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Leased area (sq. metre)- Based on type and jurisdiction

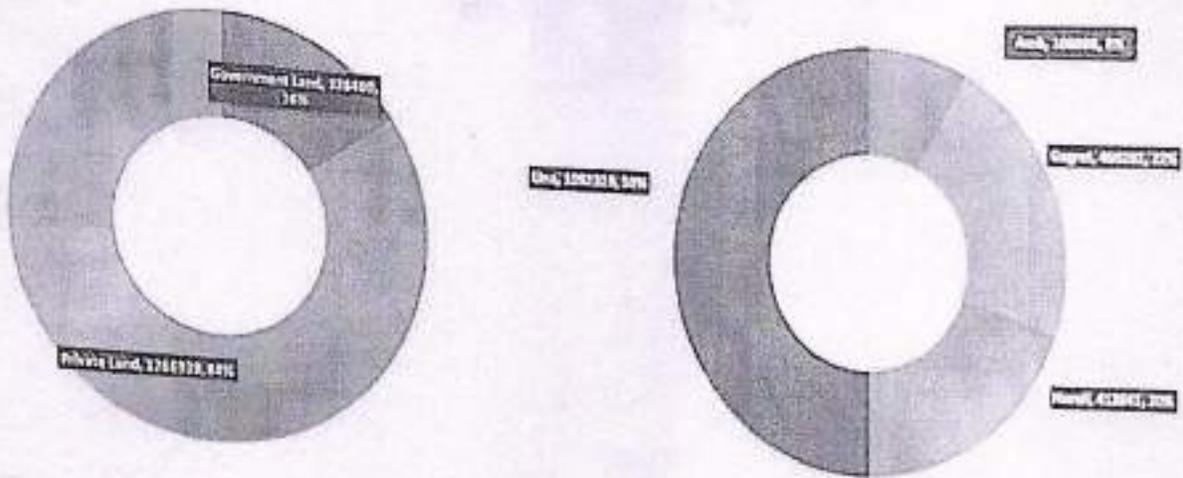


Image 1: Mining lease locations (Plotted as red colour) North-west of Ghaluwal Bridge

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Image 2: Mining lease locations (Plotted as red colour) South- East of Ghaluwal Bridge

4. Findings vis- a -vis allegations:

4.1. Unscientific mechanical mining in the Swan River:

In order to ensure the sustainable harnessing of minor minerals, Himachal Pradesh Minor Minerals (Concession) and Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2015 were framed. As per these rules, for all the mining concessions or leases "District Survey Report" has been made essential for obtaining the environment clearance for mining in the river beds. Besides this Project Proponent has to get the mining plan approved from the competent authorities for the systematic & scientific mining. The major safeguards to ensure sustainable mining are incorporated in District Survey Report as well as mining plans.

1. The section 19(15) of Himachal Pradesh Minor Minerals (Concession) and Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2015 forbids the usage of mechanical mining. The mechanical mining in river/stream bed shall be allowed only with the help of tyre mounted front end loader up-to 80 Horse Power without backhoe with the permission of the Competent Authority i.e. Director. None of the mining leases in Swan river, Una district have got permission to do mechanical mining.
2. Besides this the section 34 (iv) of Himachal Pradesh Minor Minerals (Concession) and Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2015 lays down a general condition for grant of mineral concession whereby the depth of mining in the river bed shall not exceed one metre or water level whichever is less:

Provided that where the Joint Inspection Committee certifies about excessive deposition or over accumulation of minerals in certain reaches requiring channelization, it

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can go upto two metres on defined reaches of the river.

3. Rule 19(5) of the rules ibid says that the lessee shall at his own expense erect and at all times maintain and keep in good repair boundary marks and pillars necessary to indicate the demarcation shown in the plan annexed to the lease.

Data of violations provided by mining & police department clearly point out that mechanical mining is going on in the area and cases are being detected regularly. In the years 2019-20 and 2020-21, total 77 cases of violations were detected by Police and Mining department, where mechanical mining was being done. 1 FIR was registered by Police department against the tipper driver for overloading and driving it in rash and negligent manner, so as to deter public servant from discharging its duty (section 279,353 & 506 of IPC, s 184 of MV act & s 21 of mining act). The lease was further recommended for the cancellation to mining department. A total compounding fine/penalty of rs. 35,64,000 was collected. During the period of 2 years, mining activities of 03 mining lease holders were suspended due to violations in the granted area.

| Sr. No | Department/ Officials | Details | No of cases | | Fine/ Penalty collected | Remarks |
|--------|-----------------------|--|-------------|---------|-------------------------|---|
| | | | 2019-20 | 2020-21 | | |
| 1. | Mining Department | Illegal mining / extraction (Manual) | 09 | 02 | 1,10,000 | - For the year 2019-20, 03 cases pending before Hon'ble court and 6 cases pending for compounding & 4 cases pending before the Hon'ble court for the year 2020-21. - During the period of 2 years mining activities of the 03 mining lease holders were suspended due to violations in the granted area. |
| | | Illegal mining / extraction (Mechanical) | 17 | 09 | 13,25,000 | |
| | | Illegal Storage of Mining material | - | - | - | |
| | | Illegal Transportation | 193 | 191 | 27,54,170 | |
| 2. | Police Department | Illegal mining / extraction (Manual) | - | - | - | |
| | | Illegal mining /extraction (Mechanical) | 10 | 31 | 22,39,000 | |
| | | Illegal Storage of Mining material | - | - | - | |
| | | Illegal Transportation | 626 | 603 | 1,21,24,000 | |
| 3. | SDM, Una | Illegal Transportation | 06 | 02 | 69,000 | - |
| 4. | SDM, Gagret | Illegal Transportation | - | - | - | - |
| 5. | SDM, Haroli | Illegal Storage of Mining material | 4 | - | 16,000 | SDM Haroli made visits with the police and mining staff. So, the maximum challans are made by police and mining staff |
| 6. | SDM, Bangana | Illegal Transportation | 2 | - | 10,000 | - |
| 7. | SDM Amb | Illegal Transportation | - | - | - | - |

Table 2: Details of cases challaned/ detected related to illegal Mining, Storage & Transportation.

- a) A random google earth image from Nangran area in Swan river bed, whereby 6 JCBs/ Earth moving equipment could be visibly seen mining the area (approx. 11000 metre²), is reproduced below. During spot visit to the area, large scale mining was found in the area but no JCBs were present on the day of inspection in river bed. Visibly enough the depth of mining was more than 1 metres which is clear violation of rule 34(iv) of the Himachal Pradesh Minor Minerals (Concession) and Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2015.



Image 3: Status of river bed near Nangran on 03/2020

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Image 4. Status of river bed near Nangran on 04/2021 (J. JCB)



Image 5: one of the Storage depot near Nangran Area

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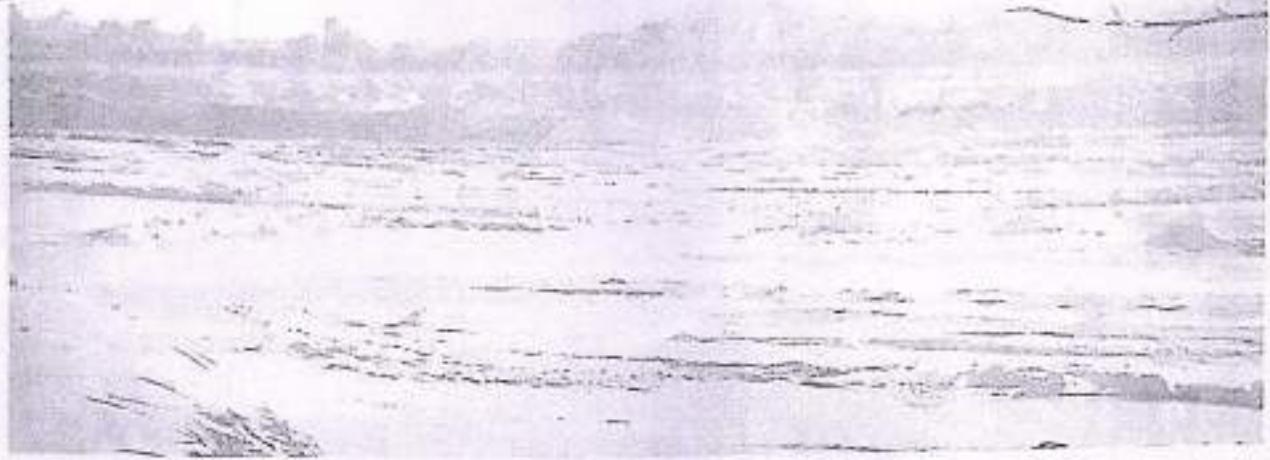


Image 6 & 7: Intense mining in river bed and mounded sand material.

- b) Similarly, another random area near *Kuthar Khurd*, seen through Google earth (feb,2021) clearly shows one JCB and 5-6 tractors being used for mining. During one of the random spot visits to the area, 2 JCBs were found illegally plying in the area and were caught for the violations (pictures Below).

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Image 8: Picture Google earth image of random area (near Kuthar Khurd) showing JCB.



Image 9: 2 JCBs plying over a random area near Kuthar Khurd during spot inspection.

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Scanned with CamScanner



Image 10: 2 JCBs plying over a random area near Kuthar Khurd



Image 11 & 12: Showing a mining depth of approx. 7-8 feet and JCB with specially modified bucket for mining

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Scanned with CamScanner



Image 13: Stand-alone temporary rare boundary pillars

From both the random visits to the area, google earth analysis and deliberations with the committee members, following observations can be made:

1. The unscientific and illegal mechanical mining is undergoing in the river bed at large scale in violation of section 19(15) of the rules *ibid*. Based on the google images and general public perception, Mining & Police department could only catch a small fraction of it. In total, district Una have 518 number of registered JCBs/ Excavators/ Earth moving equipment.
2. The condition imposed as per section 34 (iv) of the rules *ibid*, whereby the depth of mining in the river bed shall not exceed one metre or water level whichever is less, is neither followed by the lessee nor there is any monitoring mechanism except the random visits to the area.
3. Although as per Rule 19(5) of the rules *ibid*, it's the responsibility of the lessee to erect at his own expense and at all times maintain and keep in good repair boundary marks and pillars necessary to indicate the demarcation shown in the plan annexed to the lease. But in reality, the demarcation pillar marks are an exception rather than the norm. Wherever available, the boundary pillars are neither accurate nor prominent. The shifting nature of river, especially during rainy season gives an excuse to lease holders that the demarcation pillars have been washed away. In absence of properly demarcated and visibly identifiable lease area, it's difficult to differentiate between legal and illegal mining if any. Overall ambiguity of land boundaries and the availability of private agricultural land in the Swan river bed, further complicates the problem.

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Via the notification dated 30.04.2011, 39 categories of officers/officials were authorized to make complaints in writing in the court of competent jurisdiction in respect of any offence punishable under the Mines and Minerals (Development & Regulation) Act, 1957 (Act No. 67 of 1957). For aerial surveillance of illegal mining prone areas, one Drone was also provided to Police Department.

The major problem is that the leaseholders take clearance for sand mining along with duly approved mining plans but they do not follow the conditions scrupulously, on the basis of which clearance was given. Conditions, like avoiding the use of machines or doing sand mining till a particular depth, are being rarely

followed. Onus for following the mining plans is majorly on the lease holder. Lack of regular monitoring mechanism and paucity of resources with mining & police department, makes it difficult to monitor the vast length & expanse (63 Km) of Swan river for unsustainable mining practices.

Although during the period of 2 years, mining activities of the 03 mining lease holders were suspended due to violations in the granted area. Departments also have collected a fine of approx. rs 1.86 crore on account of illegal mining and rs. 42.16 lakh on overloading within 2 years (2019-20 to 2020-21). But all these punitive actions are not able to deter the unscientific and illegal mining.

4.2. Impact of mining on Channelization:

As per the report received from Superintending engineer, Swan River Flood Management Project circle, Una district, at present there is no instance of channelization assets /infrastructure being damaged due to mining.

One of the general recommendations of "District Survey Plan" mentions that "No River/Stream bed mining shall be allowed within 75 meters from the periphery of soil conservation works, nursery plantation, check dams or within the distance as recommended by the Sub-Divisional Committee, whichever is more".

The Superintending engineer, Swan River Flood Management Project circle, Una district has communicated (24/3/21) a list of 27 sites where the recommendations of "District Survey Plan" are violated. The list is being enquired by the mining department for identifying the violators and the action will be taken as per law.

Besides this Flood protection division, Gagret, District Una has taken several steps to discourage the un-scientific mining in main Swan River & its tributaries/Khads by destroying ramps at mining sites. Joint inspections have been carried out with mining authorities. One FIR (No. 348/19, dated 10/10/2019) was also registered against the Mining lease holder besides the regular notices being issued.

| Sr. No | Department/ Officials | Details | No. of cases | | Approx damage | Remarks |
|--------|--|--|--|--|---------------|--|
| | | | 2019-20 | 2020-21 | | |
| 1. | Jal Shakti Vibhag/ Flood Protection Division, Gagret, Dist. Una, (H.P) | Damage to Swan river channelization assets/ infrastructure due to mining | Nil | Nil | Nil | - |
| | | Violations from recommendations/ conditions of District Survey Report | 27 No. of sites at different stretches in main Swan River & its tributaries/ Khads | 27 No. of sites at different stretches in main Swan River & its tributaries/ Khads | - | As per District Survey Report, mining is prohibited in the span starting from edge of waterway upto 75 m towards river/khad. However it is not being followed. |

Table 3: Details of violations leading to damage to Swan River Channelization.

Although there is no instance of channelization assets /infrastructure being damaged due to mining at present. But due to excessive un-scientific mining, the bed level of Swan river & its tributaries/ Khads might go down year by year. This can lead to excessive launching of aprons of the embankments at some reaches.

4.3.Overloading of Trucks-Tippers and related issues:

The issue of overloaded vehicles being plied on the roads are being penalised as per Motor Vehicles(MV) act. Overloading not only increases the possibility of accidents, but also damages our road infrastructure – especially in a country where most of our roads lack quality. During past 2 years, 474 violators were penalized for overloading and an amount of rs. 42.16 lakh was collected as penalty. As per the HPPWD's report, two roads namely Una-Ajouli road and Bharolian Badehar Charatgarh road were damaged due to overloading with approx. damage amounting to rs. 23 lakh.

| Sr. No. | Department/officials | Details | No of Cases | | Fine/ Penalty Collected | Remarks |
|---------|----------------------|---|-------------|---------|-------------------------|--|
| | | | 2019-20 | 2020-21 | | |
| 1. | Police Department | Overloading | 10 | 17 | 4,70,000 | - |
| 2. | Transport Department | Overloading | 52 | 395 | 37,46,500 | Details of overloading include all types of materials including Sand, Bajri, Boulders etc. |
| 3. | Mining Department | Overloading | - | - | - | *Included in illegal transportation data at table 2. |
| 4. | HPPWD | Damage to Public Road infrastructure due to overloaded vehicles | - | - | - | <ul style="list-style-type: none"> Slippage and crocodile cracking in Una Ajouli road (Km. 8/00 to 13/00)- Approx damage rs 18,00,000. Pot Holes and crocodile cracking in Bharolian Kalan Badehar Charatgarh road Km 0/00 to 4/200- Approx Damage rs. 5,00,000. |

Table 4: Details of violations detected for Overloading and the damage to roads owing to it.

In order to check overloading and illegal transportation of the minerals from district Una, the 05 nos of Mining Check Posts (MCPs) along with the weigh bridge have been established on dated 15/03/2021 which will be helpful in controlling the transportation of the minerals in violation of Himachal Pradesh Minor Minerals (Concession) and Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2015 and MV Act, 1988.

It is generally seen that the tipper/truck owners, mostly from out of the state, modify/extend the bodies to increase the capacity in violation of the MV act. The new Motor Vehicles Act, amendments are approved by the state government but are pending for notification. As soon as the new provisions are applicable in the state, the heavy fines will discourage the overloading violations.

4.4. Roads accidents due to mining:

| Sr. No. | Department/officials | Details | No of Cases | | Fine/Penalty Collected | Remarks |
|---------|----------------------|---|---------------|---------------|------------------------|---------|
| | | | 2019-20 | 2020-21- | | |
| 1 | Police Department | Road Accidents-involving mining related Trucks/ Tractors/ Tippers | 2 | 1 | - | - |
| | | Road Accidents casualties- mining related Trucks/ Tractors/ Tippers | 3 person died | 1 person died | - | |
| | | Total number of accidents (all reasons) | 257 | 172 | | |
| | | Total number of accident casualties (all reasons) | 123 | 76 | | |

Table 6: Road accident details related to mining trucks etc.

In total 3 accidents involving mining related trucks/ Tractors/ Tippers happened over two years (2019-20 & 2020-21) in which 4 persons died. For the period from 2019-21, 429 total number of accidents happened in district Una, which led to the 199 accident casualties. Out of total accidents and casualties happened in district Una due to road accidents (2019-20 & 2020-21), the mining related accidents comprise only 0.6 % and casualties comprise 2%. Thus the mining related trucks/ tippers/ tractors are not the major cause for road accidents and related deaths in district Una.

4.5. Mining causing damage to Public infrastructure likes bridges, roads etc.:

| Sr. No. | Department/ Officials | Details | No. of cases | | Approx damage | Remarks |
|---------|-----------------------|---|--------------|---------|---------------|---|
| | | | 2019-20 | 2020-21 | | |
| 1. | HPPWD | Damage to Public Road infrastructure due to mining | - | - | - | - |
| | | Damage to Public Road infrastructure due to overloaded vehicles | - | - | 18,00,000 | Slippage and crocodile cracking in Una Ajanti road (Km 8:00 to 13:00) |
| | | | - | - | 5,00,000 | Pot Holes and crocodile cracking in Bhurohan Kalan Badchar Charatgarh road Km 0:00 to 4:200 |

Table 7: Report of HPPWD related to any damage to public infrastructure due to mining in Swan river

As per the report received from HPPWD, no damage to any public infrastructure (Road, Bridges etc.) was reported due to mining in the area till now except the damage to 2 roads mainly due to overloading.

4.6. Impact of mining on water quality, water table and pollution (Air & Water) level:

As per the report received from Environmental Engineer H.P. State Pollution Control Board and S.E (I& PH) at present, no adverse impact on air quality, water quality and water level due to mining were found. The data related to water (MPN/100 ml) and air quality (RPSM- monthly average) remained within the prescribed

limits. Further the mining officer, Una was directed by Chairman of District Environment Plan committee, Una during the 1st meeting (held on 24/07/2020) to ensure that no vehicle carrying minor minerals should ply on road without proper covering.

| S No | Department/ Officials | Details | No. of cases | | Remarks |
|------|-----------------------|--|--------------|---------|---|
| | | | 2019-20 | 2020-21 | |
| 1. | I&PH Department | Any adverse impact on water quality/ water table due to mining | - | - | No adverse impact on water quality/water table has been noticed during 2019-20 & 2020-21, however excessive instream sand and gravel mining may cause the degradation of the river. Impacts include bed degradation, bed coarsening, lowered water table near the stream bed and channel instability. Short term turbidity at the mining site due to re-suspension of sediments, sedimentation due to stock piling and dumping of excess mining materials |
| 2. | HP-PCB Department | Data related to any damage to river Swan from Mining | - | - | <ul style="list-style-type: none"> The results of Ambient air quality of Una & Ind. Area Mahapur (2019-20 & 2020-21) are within prescribed limits. Similarly the results of water samples of Swan River (2019-20 & 2020-21) for water quality were found to be satisfactory. |
| | | Pollution increase data due to mining | - | - | |

Table 5: Report from I&PH department & Pollution Control Department for water quality/ water table, pollution impacts of Swan river mining

5. Challenges:

5.1 Una district has in total 1 National Highway, 3 State Highway, 2 Major District Roads and 2 other interstate exit routes out of the state to Punjab. Besides this plain topography of the area makes ingress & exit through Swan river possible from any point. Therefore, plain topography complemented with a porous, multi exit border enables surreptitious transport of minerals through the escape routes.

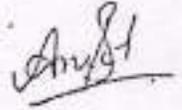
5.2 The shifting nature of river, especially during rainy season gives an excuse to lease holders that the demarcation pillars have been washed away. In absence of properly demarcated and visibly identifiable lease area, it's difficult to differentiate between legal and illegal mining if any.

5.3 Majority of the area falling under Swan river belongs to private ownership where agriculture is being done by majority of landowners. Overall ambiguity of land boundaries and the availability of private agricultural land in the Swan river bed further complicates the problem.

[Handwritten Signature]

6. Recommendation:

- 6.1. At the mining plan approval stage itself, Geo fencing of the leased area is to be done using ETS-GPS method so as to remove any ambiguity related to lease area and its boundaries. Along with this high accuracy GPS location trackers, are to be given to mining/ police teams to act against mining lease holders if found mining illegally.
- 6.2. A compulsory GPS installation in all the JCBs and earth moving equipment's along with suitable alert mechanism (whenever it breaches the No-Go areas) can be developed to prevent mechanical unscientific mining in Swan river.



Dr. Amit Kumar Sharma (IAS)
Additional Deputy Commissioner
District, Una, Himachal Pradesh

The document is digitally
signed & emailed on official
id of DC, Una.



Minutes of the meeting held on 20.04.2021 at 3:00 PM in the Committee Room, Armsdale Building (6th Floor) H.P. Secretariat, Chotta Shimla under the Chairmanship of Sh. Kamlesh Kumar Pant, IAS, Principal Secretary (Env. Sci. & Tech.) to the GoHP to review the compliance in O.A. No. 57 of 2021 titled Amandeep vs State of Himachal Pradesh regarding illegal mining being carried at Som Bhadra River (Swan River) in District Una, Himachal Pradesh.

A meeting was held on 20.04.2021 at 3:00 PM in the Committee Room, Armsdale Building (6th Floor) H.P. Secretariat, Chotta Shimla under the Chairmanship of Sh. Kamlesh Kumar Pant, IAS, Principal Secretary (Env. Sci. & Tech.) to the GoHP to review the compliance in O.A. No. 57 of 2021 titled Amandeep vs State of Himachal Pradesh regarding illegal mining being carried at Som Bhadra River (Swan River) in district Una, Himachal Pradesh. The List of Officials who attended the meeting in person and via video conferencing is enclosed as **Annexure-I**.

At the outset, Member Secretary, HPSPCB welcomed the Principal Secretary (Env. Sci. & Tech.) to the GoHP and other officers/officials. Thereafter, the house was apprised with brief introduction on the chronological events in the matter as follows:

- The matter is in reference to order dated 2/03/2021 passed by Hon'ble NGT in O.A. No. 57/2021 in the matter of Amandeep vs State of Himachal Pradesh and letter no. CEC/2021/1677, dated 14/3/2021 received from Office of Monitoring committee (constituted by Hon'ble NGT).
- The matter being dealt in this order is a **grievance against illegal mining being carried at Som Bhadra River (Swan River) in district Una of Himachal Pradesh.**
- Issues raised by the Applicant before Hon'ble NGT are as follows:-
 - 'Sand Mafia' having political shelter under the garb of a mining license, are lifting the sands and other material from the bed of this Swan River in an unscientific manner by using big Pokland and JCB machines, causing constant danger to the river and to the channelization of this river.
 - The Trucks-Tippers are being over loaded which are causing damage to the roads, causing pollution in the area and inconvenience to the public at large on the roads and accidents are taking untimely lives of the people at large.
 - Not only loss, damage and destruction to the channelization work of the Swan river, it may also cause damage to the bridges, leading to loss of public funds already spent for this purpose, besides loss to the water level.
 - It may cause pollution in the area and threat to peaceful atmosphere of green State of Himachal Pradesh, apart from damage to the roads.
- Hon'ble NGT vide order dated 2.03.2021 constituted an Independent five-member Committee headed by Justice Jasbir Singh, former Judge of Punjab and Haryana High Court, and comprising Regional Officers of the CPCB, the Ministry of Environment Forest and

Climate Change (MoEF&CC), the Central Soil and Water Conservation Research Institute, Dehradun and the Himalayan Forest Research Institute, Shimla with the Regional Officer, MoEF&CC, Chandigarh being nodal agency.

- Further, Hon'ble NGT directed the Secretary, Environment, HP, the State PCB and the District Magistrate, Una may verify facts and take further steps.
- In compliance with the aforementioned order and to verify the facts and take further steps in the matter in terms of order dated 26/02/2021 in O.A No. 360/2015, Deputy Commissioner, Una constituted a committee on 20/03/2021 comprising of Additional Deputy Commissioner (ADC) Una (Chairman), Superintendent of Police (SP) Una (Member), Superintending Engineer(SE) IPH Circle Una (Member), Superintending Engineer, Swan River Una (Member), Superintending Engineer (SE) HPPWD, Una (Member), All the Sub Divisional Officers (Civil) of Una district (Member), Environmental Engineer, H.P. Pollution Control Board, Una (Member), Regional Transport Officer Una (Member), Assistant Engineer, Soil & Conservation, Una (Member) and Mining Officer, Una (Member Secretary).
- The above mentioned committee conducted random surprise spot visits in major Swan River Mining Areas (28/3/2021 and 01/4/2021), held meeting on 31/03/2021 and further submitted its report.
- Thereafter, a brief of the report was apprised to the house:-
 - Presently, 92 mining leases have been granted in the District Una, out of which 58 mining leases have been granted in Swan River. From total 58 mineral concessions in Swan river, 33 mining leases have been granted on private land and 4 mining leases have been granted byway of auction on Govt. Land for open sale. The remaining 21 Nos in Swan river have been granted to feed to existing stone crushers.
 - The data provided by the various Departments of Una District indicate that mechanical mining is going on and 77 cases of violations have been observed by the Department of Police & Mining.
 - Random Google Earth Image taken from Nangran area in Swan river bed indicate the working of 6 JCBs/earth moving machines at the site, whereas, during the spot visit no JCBs were found present at the site but large scale mining was found in the area. The mining with depth more than 1 m has been conducted.
 - Similarly another Google earth image indicate the use of 1 JCB and 5-6 tractors at the mining site and during the random spot inspection, 2 JCBs were found illegally plying in the area.
 - Unscientific & illegal mining is undergoing in the river bed at the large scale.
 - Depth of mining has been found more than 1 m which is in violation of the Rule 34 (iv) of the Minor Mineral (Concession) & Mineral (Prevention of Illegal Mining, Transportation and Storage) Rules, 2015.
 - No boundary mark/pillar for the demarcation of the mining area have been found provided at the mining lease site and shifting of course of river during rainy season gives

an excuse to the Mining Lease Holders that the demarcation pillars have been washed away.

- While granting clearance for sand mining, Mining Plans are got approved by the Mining Lease Holders but the conditions are violated and mining of sand/gravels/stones is carried out without fulfilling the norms.
- No instance of channelization/infrastructure being damaged due to mining has been observed as reported by Superintending Engineer, Swan River Flood Management Circle.
- The recommendations made in the District Survey Plan are violated by way of not maintaining the distance of 75 m of the river mining from the periphery soil conservation works/nursery plantation .
- Overloaded trucks have been found plying on the roads which damaged the low quality roads. In order to check overloading and illegal transportation of the minerals from District Una, 5 Nos Mining Check Posts alongwith weigh bridges have been set up. Mining lease holders/transporters modify/extend the bodies of the trucks to increase their capacity to carry overloaded material in violation of the Motor Vehicle Act.
- No adverse impact on air quality/water quality/water level due to mining has been observed as reported by HPSPCB.
- **Challenges mentioned by District Committee:** There is network of roads like National Highway, State Highway, Major roads & Interstate exit routes which give them laxity for transporting the minerals in an illegal manner through escape routes. In rainy season, the course of river is shifted, which give chance to the Mining Lease holder to make excuse for washing away of demarcation pillar/other such structures.
- **Recommendation by District Committee:** While approving mining plan of the mining area, Geo-fencing of the area to be leased out should be made so as to remove any ambiguity relating to lease area and boundaries. High frequency GPS enabled trackers may be provided to the Mining/Police Officers to take prompt action against illegal mining activity. JCBs/earth moving equipment's may be provided with high frequency GPS with suitable alert mechanism to prevent unscientific/mechanical mining.
- Consequently, it was apprised that 1st meeting of Independent five Members Committee constituted by the Hon'ble National Green Tribunal was held on 09.04.2021 at 11:00 AM through Video Conferencing and certain directions were issued on which action has been taken.
- Thereafter, the house was briefed about the following directions issued by Hon'ble NGT in order dated 26.02.2021 in O.A. No. 360/2015:
 - All the States/UTs to strictly follow the 'Sustainable Sand Mining and Management Guidelines, 2016' (SSMG2016) and "Enforcement and Monitoring Guidelines for Sand Mining, 2020" (EMGSM-2020) reinforced by mechanism for preparation of District Survey Reports (in terms of directions of this Tribunal dated 14.10.2020 in Pawan Kumar, supra and 04.11.2020 in Rupesh Pethe, supra).

- Environment Management Plans, replenishment studies, mine closure plans, grant of EC (in terms of direction dated 13.09.2018 in Satendra Pandey, supra), assessment and recovery of compensation.
- Seizure and release of vehicles involved in illegal mining (in terms of order dated 19.02.2020 in Mushtakeem, supra), other safeguards against violations, grievance redressal, accountability of the designated officers and periodical review at higher levels. As already noted, EMGSM-2020 contemplates extensive use of digital technology, including remote sensing.
- Effective monitoring mechanism for preventive and remedial measures as directed in orders of this Tribunal, including surveillance system and recovery of compensation.
- State Government shall constitute a District Level Task Force (DLTF) under the Chairmanship of Deputy Commissioner/District Magistrate/Collector with Superintendents of Police and other related senior functionaries (District Forest Officer, District Transport Officer, Regional Officer- SPCBs, Senior Officer of Irrigation Department, District Mining Officer) with one/two independent member nominated by the Commissioner concerned. The independent member shall be retired government officials/teacher or ex-serviceman or ex-judiciary member.
- All the States/UTs to publish their annual reports on the subject and such annual reports may be furnished to MoEF&CC by 30th April every year giving status till 31st March.
- First such report as on 31.03.2022 may be filed with the MoEF&CC by all the States/UTs on or before 30.04.2022. The report may also be simultaneously posted on the website of the Environment Department of the States/UTs.
- A five-member inspection committee, headed and coordinated by the SEIAA and comprising CPCB (wherever it has regional office), State PCB and two expert members of SEAC dealing with the subject. Where CPCB regional office is not available, if MoEF&CC regional office is available, its Regional Officer will be included in the Committee. Where neither CPCB nor MoEF&CC regional office exists, Chairman, SEIAA will tie up with the nearest institution of repute such as IIT to nominate an expert for being included in the Committee.
- Inspections by the committee must be conducted at least thrice for each lease i.e. after expiry of 25% the lease period, then after 50% of the period and finally six months before expiry of the lease period for midway correction and assessment of damage, if any. The reports of such inspections be acted upon and placed on website of the SEIAA.
- The mechanism must provide for review at the level of the Chief Secretary at least once in every quarter, in a meeting with all concerned Departments in the State. The Chief Secretary UP may ensure further action in the light of the report of the Oversight Committee.

Thereafter, detailed discussions were held among the participants which is summarised as follows:

- The State Geologist apprised that a committee under the Chairmanship of Deputy Commissioner is already constituted which reviews the mining activities in the district on quarterly basis and in terms of the Order of Hon'ble NGT in 360/2015, the same/similar committee may be given the mandate of District Level task Force.
- Deputy Commissioner, Una submitted that regular monitoring and action against defaulters by issuing challans, suspension of leases etc. is regularly being conducted by the concerned departments in the district, however since Swan River runs about 63 kms in district and being a plain terrain allows vehicles multiple escape routes which are difficult to monitor. Nevertheless, if State adopt/ notifies the amount to be recovered during release of seized vehicles caught for illegal mining, as mentioned in Hon'ble NGT order dated 26.02.2021 in O.A. No. 360 of 2015, it may discourage owner of the vehicles indulging in illegal mining activities. The State Geologist informed that the amendment in the rules has been adopted by the State.
- DC, Una submitted that w.r.t. the demarcation of the lease land, Geo-Fencing may be adopted.
- Superintendent of Police, Una submitted that Police Department is regularly conducting action against defaulters. 5 mining checkpoints have been established in the district. The Dpeartemt also plans to institute drone surveillance. However, other departments have been entrusted/ authorized with power to seize any mineral raised or transported or caused to be raised or transported by any person without any lawful authority, any mineral from any land and for that purpose uses any tool, equipment, vehicle or any other thing for this purpose,needs to increase the vigilance too.
- State Geologist apprised that for effective monitoring, department needs to scale up the manpower and the matter has already been taken up with the GoHP.
- The DC and SP Una raised the issue of the paucity of funds for such activities like installation of height barriers etc. It was apprised by the State Geologist that each district have District Mineral Foundation Trust (DMFT) headed by Deputy Commissioner in order to work for the interest and benefit of persons and areas affected by mining related operations and funds may be mobilized to fulfil the fund requirement for strict vigilance against illegal mining in Swan River after due approval from the competent authority.
- Regarding the geo fencing, the State Geologist apprised that the Department will soon shift to the geo-fencing of the leases across the State. The representative of SEIAA informed that the Authority generates *kml* files of the leases recommended which is basically layering of the coordinates on electronic maps.

Thereafter, the following decesions were taken after deatiled deliberations:

1. In compliance to Hon'ble NGT directions in order dated 26.02.2021 in O.A. No. 360/2015, District Level Task Force (DLTF) under the Chairmanship of Deputy Commissioner/District Magistrate/Collector with Superintendents of Police and other related senior functionaries (District Forest Officer, District transport officer, Regional

- officer- SPCBs, Senior Officer of Irrigation Department, District Mining Officer) with one/two independent member nominated by the Commissioner concerned may be constituted or the committee already constituted under Chairmanship of Deputy Commissioner shall be assigned the ToR of DLTF in addition to existing ones.
2. SEIAA will share the KML files with State geologist and Deputy Commissioner Una of all the leases in Swan River for enhanced surveillance through geo-fencing of mining lease area.
 3. The State Geologist shall submit a action plan to shift to the geo-fencing of the leases across the State along with clear cut timelines.
 4. State Geologist to share notification w.r.t. the revision of fine/ challan amount with all the Stakeholders.
 5. The District Administration may enhance surveillance to ensure illegal mining activities in Som bhadra River are minimized.
 6. Deputy Commissioner, Una and SP, Una to send a proposal including the funds required to enhance the vigilance against illegal mining. Deputy Commissioner, Una may take up the matter with GoHP for the usage of DMFT funds to strengthen vigilance of illegal mining activities in the area.
 7. The State Geologist shall award mining leases as per the DSR plan only and the directions given by the Hpn'ble NGT may also be incorporated as conditions in various mining leases granted by the Department.
 8. All the concerned departments to prepare action plan (short term and long term) with specific timelines in light of the directions passed by Hon'ble NGT in order O.A. No. 57 of 2021, O.A. no 360 of 2015 and directions of Independent Five Member Committee. The action plan by Director, Science, Technology and Environment, Deputy Commissioner, Una and State Geologist to be sent within three days.
 9. All concerned departments to submit the action taken report along with action plan to HPSPCB within 3 days positively as the case is listed for further consideration before Hon'ble NGT on 10.05.2021.
 10. All concerned departments to ensure strict enforcement of laws and take vigorous action against the defaulters as per the provisions under law.

The meeting ended with a vote of thanks to and from the Chair.

Approved

-sd-

(Kamlesh Kumar Pant, IAS)
Pr. Secretary (Env. Sci. & Tech) to the
Government of Himachal Pradesh

No. HPSPCB/NGT/O.A. No. 57 of 2021/ Illegal Mining in SomBhadra River/2021- Dated: 27/4/2021 ¹⁰⁸⁸⁻¹⁰⁹⁹

Copy forwarded to the following for information as per Hon'ble NGT Order:

1. Justice Jusbir Singh, Rtd. Justice, Punjab and Haryana High Court, Chairman, Monitoring Committee, OA No. 57/2021.
2. Sh. Babu Ram, Technical Expert Monitoring Committee, OA No. 57/2021.
3. The Additional Chief Secretary (Industries) to the GoHP, HP Secretariat, Shimla.
4. The Additional Chief Secretary (Forest) to the GoHP, HP Secretariat, Shimla.
5. The Pr. Chief Conservator of Forests, Himachal Pradesh, Shimla.
6. Director, Department of Environment, Science and Technology, Shimla with request to send action taken report within two days.
7. Deputy Commissioner, Una (H.P) with request to send action taken report within two days.
8. The Inspector General of Police (TTR), Department of Police, HP, Shimla
9. The Director, Industries, HP Shimla.
10. Supritendent of Police, District - Una (H.P).
11. State Geologist, Mining Department, Shimla with request to send action taken report within two days.
12. Regional Officer, HP State Pollution Control Board, Una.


(Dr. Nipun Jindal)
Member Secretary
HP State Pollution Control Board

ATTENDANCE SHEET

हिमाचल प्रदेश सरकार

Meeting held under Chairmanship of Pr. Sec (Env., Sci. & Tech.) to GoHP on 20-04-2021 at 3:00 AM at Committee Room (6th Floor), Armsdale Building, H.P. Secretariat Chotta Shimla to review the progress on the directions given by the Hon'ble NGT in O.A. No. 57 of 201 in matter of Amandeep vs State of H.P regarding illegal mining at Som Bhadra River (Swan River) in District Una of H.P.

| S. No | Name, Designation & Department | Mobile No./Whats-App no. | Signature |
|-------|---|--------------------------|-----------|
| 1. | Puneet Kulkarni. State Geologist. | 94181-23329 | |
| 2. | RAMAN SHARMA DCI (HA) of Pr. CCIF (HOFFI) | 94181-70664 | |
| 3. | Jai Shri Sharma Suptt (CEA) of Pr. CCIFHP | 9459277740 | |
| 4. | Dr. Nipun Jindal, Member Secretary, HSPCB | 9780042438 | |
| 5. | Dr. Suresh C. Khanna Pr. Sci. (Env.). JSP. | 9418700062 | |
| 6. | Chandam Singh, AE, HPPCB, | 94186-18223 | |
| 7. | Raghu Sharma DC, Una | | |
| 8. | Amit Amit Kumar Singh SP Una | | |
| 9. | Amit kr. Ghame ADC Una | Through virtual mode | |
| 10. | Harvinder Singh | | |

हिमाचल प्रदेश सरकार

| S. No | Name, Designation & Department | Mobile No./Whats-App no. | Signature |
|-------|---|-------------------------------|---|
| 11. | Suresh Hareesh Shivani D.EE, IPH Una | Virtual mode ↓ | |
| 12. | Praveen Kumar Sharma AEE, PCB Una | | |
| 13. | Amit Moudgil Soil Conservator Una | | |
| 14. | Dr. Shardwan Meena BEE UPS PCB SUMLA | 9418464508 |  |
| 15. | | | |
| 16. | | | |
| 17. | | | |
| 18. | | | |
| 19. | | | |
| 20. | | | |

Interim report

of the

Independent five Members Committee

in compliance to order dated 2.3.2021

in

OA no. 57/2021

in the matter of

Amandeep

Vs

State of Himachal Pradesh

**regarding illegal mining at
Som Bhadra River (Swan River)
in District Una of Himachal Pradesh.**

Submitted on:

3rd May, 2021

OFFICE OF THE MONITORING COMMITTEE

Constituted by the Hon'ble National Green Tribunal in

OA No.606 of 2018

(Official Address: Tower No.5, 4th Floor, Forest Complex,

Sector 68, SAS Nagar) Tel. No. 0172-2298091

Email: cecswm606@gmail.com

To

The Registrar,
Hon'ble National Green Tribunal,
Faridkot House, Copernicus Marg,
New Delhi, Delhi 110001

No.CMC/2021/1802

Dated: 3.5.2021

Subject: Interim report of the Independent five Members Committee in compliance to order dated 2.3.2021 in OA no. 57/2021 in the matter of Amandeep Vs State of Himachal Pradesh regarding illegal mining at Som Bhadra River (Swan River) in District Una of Himachal Pradesh.

.....

It is submitted that the Hon'ble National Green Tribunal that in its order dated 2.3.2021 in OA no. 57/2021 in the matter of Amandeep Vs State of Himachal Pradesh regarding illegal mining at Som Bhadra River (Swan River) in District Una of Himachal Pradesh has considered the application filed by Sh. Amandeep of Village Panjwar District Una, wherein, it has been mentioned that illegal mining at Som Bhadra River (Swan River) in District Una of Himachal Pradesh, is going on and 'Sand Mafia' are lifting the sand & other materials from the bed of the Swan river in an unscientific manner by using big Pokland and JCB machines and causing danger to the river and channelization of the river, where, crores of rupees have been spent. The Hon'ble National Green Tribunal in Para No. 3 & 4 of order dated 02.03.2021 has directed as under:-

- "3. *Accordingly, the Secretary, Environment, HP, the State PCB and the District Magistrate, Una may verify facts and take further steps in the matter in terms of the above order of this Tribunal, following due process of law and give its report 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 and also upload the same on website of State PCB simultaneously so that the concerned parties/Departments can access the same for further course of action. The State PCB will be nodal agency for compliance and coordination.*
4. *We also constitute an independent five-member Committee headed by Justice Jasbir Singh, former Judge of Punjab and Haryana High Court, and comprising Regional Officers of the CPCB, the MoEF&CC, the Central Soil and Water Conversation Research Institute, Dehradun and the Himalayan Forest Research Institute, Shimla with the Regional Officer, MoEF&CC, Chandigarh being nodal agency. The Committee may visit the site and give an independent report of*

facts found and remedial action required. The State PCB and the District Magistrate, Una will provide logistic support to the independent Committee by e-mail as above. The Committee will be at liberty to take assistance from such other Institutions/Experts/individuals as necessary. Justice Jasbir Singh, former Judge of Punjab and Haryana High Court will be paid honorarium by the State PCB to be determined by the Chairman, State PCB in consultation with him."

In compliance to order as mentioned in Para No. 3, the Secretary Environment HP, State PCB and District Magistrate Una have to verify the facts and take further steps in terms of the above order of the Tribunal. Further, in compliance of order as mentioned in part of para No. 4 of the said order, Dr. Babu Ram, Former Member Secretary, PPCB, who has vast experience in the field of environment and other related issues and has already been appointed as Technical Expert of the Monitoring Committee by Hon'ble National Green Tribunal, has also been taken as an expert member of Independent Five Members Committee.

The independent five members Committee, constituted by Hon'ble National Green Tribunal, has held its meeting under the Chairmanship of Justice Jasbir Singh, former Judge, Punjab & Haryana High Court and now as Chairman of Monitoring Committee, on 9.4.2021 wherein, it was noted that in compliance to order dated 2.3.2021 of the Hon'ble National Green Tribunal in OA no. 57/2021 as mentioned in Para No. 3 in the matter of Amandeep Vs State of Himachal Pradesh to verify the facts and take further steps in the matter in terms of order dated 26.2.2021 in OA no. 360 of 2015, Deputy Commissioner, Una (Himachal Pradesh) constituted a committee under the Chairmanship of Additional Deputy Commissioner on 20.3.2021.

The committee, constituted by Deputy Commissioner, Una has prepared its report on the basis of random surprise spot visit to major Swan river mining areas on 28.3.2021 and 1.4.2021.

The next meeting of the independent five member committee was fixed on 26.4.2021 through Video conferencing but the Member Secretary, Himachal Pradesh Pollution Control Board vide its letter no. HPSPCB (NGT) OA no. 57/2021/Illegal Mining at Som Bhadra River (Swan River)/2021-849-855 dated 22.4.2021 has informed that in compliance to the decisions in the meeting held on 9.4.2021, a meeting was conducted by the Himachal Pradesh State Pollution Control Board with all the stakeholder department on 20.4.2021 under the Chairmanship of Principal Secretary, Department of Environment, Science & Technology, Govt. of Himachal Pradesh, wherein necessary directions have been issued to all the Concerned Departments in light of the order dated 26.2.2021 in OA no. 360 of 2015 in the matter of National Green Tribunal Bar Association Vs Virender Singh (State of Gujarat).

Further, it was informed that due to unprecedented rise in no. of Covid-19 cases in the State of Himachal Pradesh and to take measures to prevent its spread, Govt. of Himachal Pradesh has issued instructions/guidelines on 20.4.2021 for strict compliance by all the departments/ State Government/Boards/Corporations.

Therefore, it was requested by Member Secretary, Himachal Pradesh State Pollution Control Board to reschedule the meeting to be held on 26.4.2021 in the 2nd week of May, 2021 so that necessary work i.e compilation of action taken report and submission of action plan in coordination with stakeholder department could be submitted to the Monitoring Committee.

Accordingly, the Chairman of the independent five member committee has decided to reschedule the meeting to be held on 26.4.2021 to 13.5.2021 through Video conferencing. Action taken report / Action Plan to be submitted by the stakeholder department in light of the order dated 26.2.2021 in OA no. 360 of 2015, shall be considered by the independent five member committee and suitable action in the matter shall be taken accordingly.

It is submitted that before submitting the final report of Independent five members Committee, the Chairman of the Independent Committee has to consider the view points of Independent Committee on the following issue.

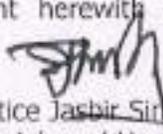
- i) Compliance of the order dated 26.2.2021 in OA No. 360 of 2015 in the matter of National Green Tribunal Bar Association Vs Virender Singh (State of Gujarat).
- ii) Action Taken Reports along with short term and long terms measures to be suggested by the stake holder departments of State of Himachal Pradesh to prevent illegal mining in Som Bhadra river (Swan river).
- iii) Compliance of other decisions taken by Principal, Dept. of Environment, Science & Technology.
- iv) Visit to the mining sites in Som Bhadra river by the independent five member Committee as soon as the prevailing conditions due to COVID-19 pandemic situation allow for safe and detailed visit of the illegal mining sites in Som Bhadra river (Swan river) in District Una (HP).

The independent five member Committee shall submit its final report in OA No. 57 of 2021 in the matter of Amandeep V/s State of Himachal Pradesh after considering the above points and to have filed visit to the mining sites in Som Bhadra river for which 2½ months period may be granted to the independent Committee as the situation in the area due to COVID-19 is not conducive.

In the meantime, the independent Committee under the Chairmanship of Justice Jasbir Singh, former Judge, Punjab & Haryana High Court submit its interim recommendation as under.

Therefore, in the meantime, the Independent Committee has submitted its interim report, which is enclosed herewith for kind consideration of the Hon'ble Tribunal.

It is submitted that the above said interim report is sent herewith through email at judicial-ngt@gov.in.


(Justice Jasbir Singh)
Former Judge Punjab and Haryana High Court
and now as Chairman of the Monitoring Committee

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Interim report of the Independent five Members Committee in compliance to order dated 2.3.2021 in OA no. 57/2021 in the matter of Amandeep Vs State of Himachal Pradesh regarding illegal mining at Som Bhadra River (Swan River) in District Una of Himachal Pradesh.

1.0 Background

Hon'ble National Green Tribunal in its order dated 2.3.2021 in OA no. 57/2021 in the matter of Amandeep Vs State of Himachal Pradesh regarding illegal mining at Som Bhadra River (Swan River) in District Una of Himachal Pradesh has considered the application filed by Sh. Amandeep of Village Panjavar District Una, wherein, it has been mentioned that illegal mining at Som Bhadra River (Swan River) in District Una of Himachal Pradesh, is going on and 'Sand Mafia' are lifting the sand & other materials from the bed of the Swan river in an unscientific manner by using big Pokland and JCB machines and causing danger to the river and channelization of the river, where, crores of rupees have been spent. The Hon'ble National Green Tribunal in Para No. 3 & 4 of order dated 02.03.2021 has directed as under:-

"3. Accordingly, the Secretary, Environment, HP, the State PCB and the District Magistrate, Una may verify facts and take further steps in the matter in terms of the above order of this Tribunal, following due process of law and give its report 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 and also upload the same on website of State PCB simultaneously so that the concerned parties/Departments can access the same for further course of action. The State PCB will be nodal agency for compliance and coordination.

4. We also constitute an independent five-member Committee headed by Justice Jasbir Singh, former Judge of Punjab and Haryana High Court, and comprising Regional Officers of the CPCB, the MoEF&CC, the Central Soil and Water Conversation Research Institute, Dehradun and the Himalayan Forest Research Institute, Shimla with the Regional Officer, MoEF&CC, Chandigarh being nodal agency. The Committee may visit the site and give an independent report of facts found and remedial action required. The State PCB and the District Magistrate, Una will provide logistic support to the independent Committee by e-mail as above. The Committee will be at liberty to take assistance from such other Institutions/Experts/individuals as necessary. Justice Jasbir Singh, former Judge of Punjab and Haryana High Court will be paid honorarium by the State PCB to be determined by the Chairman, State PCB in consultation with him."

A copy of the detailed order dated 2.3.2021 is annexed as per **Annexure-1**.

In compliance to order as mentioned in Para No. 3, the Secretary Environment HP, State PCB and District Magistrate Una have to verify the facts and take further steps in terms of the above order of the Tribunal. Further, in compliance of order as mentioned in part of para No. 4 of the said order, Dr. Babu Ram, Former Member Secretary, PPCB, who has vast experience in the field of environment and other related issues and has already been appointed as Technical Expert of the Monitoring Committee by Hon'ble National Green Tribunal, has also been taken as an expert member of Independent Five Members Committee.

2.0 Consideration of verification/enquiry report submitted by the Additional Deputy Commissioner, Una (HP) by the independent five members Committee.

The independent five members Committee, constituted by Hon'ble National Green Tribunal, has held its meeting under the Chairmanship of Justice Jasbir Singh, former Judge, Punjab & Haryana High Court and now as Chairman of Monitoring Committee, on 9.4.2021 wherein, it was noted that in compliance to order dated 2.3.2021 of the Hon'ble National Green Tribunal in OA no. 57/2021 as mentioned in Para No. 3 in the matter of Amandeep Vs State of Himachal Pradesh to verify the facts and take further steps in the matter in terms of order dated 26.2.2021 in OA no. 360 of 2015, Deputy Commissioner, Una (Himachal Pradesh) constituted a committee under the Chairmanship of Additional Deputy Commissioner on 20.3.2021.

The committee, constituted by Deputy Commissioner, Una has prepared its report on the basis of random surprise spot visit to major Swan river mining areas on 28.3.2021 and 1.4.2021, a copy of which has been submitted to the independent Committee, which is annexed as per **Annexure-2**

The verification cum enquiry report in the matter submitted by Additional Deputy Commissioner, Una was considered by the independent Committee in its 1st meeting held on 9.4.2021 and report in brief and observations of the committee, constituted by the Deputy Commissioner, Una are mentioned as under:

2.1 Report of the Committee in brief

- The Committee, constituted by the Deputy Commissioner, Una has prepared its report based on random surprise spot visits to Major Swan River Mining Area on 28.03.2021 and 01.04.2021 and meeting of the Committee held on 31.03.2021.
- Swan River flowing in the district is main source of mineral sand, stone & bajri and has attained its mature stage in Una. Presently, 92 mining leases have been granted in the District Una, out of which 58 mining lease have been granted in Swan River. Out of 58 mining lease, 33 mining leases have been granted in private land and 4 mining leases have been granted by the Govt. and remaining 21 have been granted in Swan River to feed to existing stone crushers.
- For sustainable harnessing of minor minerals, Himachal Pradesh has framed Minor Mineral (Concession) & Minerals (Prevention of Illegal Mining, Transportation & Storage) Rules, 2015 and as per Rules 19 (15) of the said Rules, use of mechanical equipments for mining activities is prohibited and Rule 34 of the said Rules lays down a general condition mentioning the depth of mining of river bed not more than 1 m or water level whichever is less.

Pl

- The data provided by the various Departments of Himachal Pradesh indicate that mechanical mining is going on and 77 cases of violations have been observed by the Department of Police & Mining.
- Random Google Earth Image taken from Nangran area in Swan river bed indicate the working of 6 JCBs/earth moving machines at the site, whereas, during the spot visit no JCBs were found present at the site but large scale mining was found in the area. The mining with depth more than 1 m has been conducted.
- Similarly another Google earth image indicate the use of 1 JCB and 5-6 tractors at the mining site and during the random spot inspection, 2 JCBs were found illegally plying in the area.

2.2 Observations of the Committee

- ✓ Unscientific & illegal mining is undergoing in the river bed at the large scale.
- ✓ Depth of mining has been found more than 1 m which is in violation of the Rule 34 (iv) of the Minor Mineral (Concession) & Mineral (Prevention of Illegal Mining, Transportation and Storage) Rules, 2015 framed by Himachal Pradesh.
- ✓ No boundary marks/pillars for the demarcation of the mining area have been found provided at the mining lease site and shifting of course of river during rainy season gives an excuse to the Mining Lease Holders that the demarcation pillars have been washed away.
- ✓ While granting clearance for sand mining, Mining Plans were got approved by the Mining Lease Holders but the conditions are violated and mining of sand/gravels/stones is carried out without fulfilling the norms.
- ✓ No instance of channelization/infrastructure being damaged due to mining has been observed as reported by Superintending Engineer, Swan River Flood Management Circle. The recommendations made in the District Survey Plan are violated by way of not maintaining the distance of 75 m of the river mining from the periphery soil conservation works/nursery plantation.
- ✓ Overloaded trucks have been found plying on the roads which damaged the low quality roads. In order to check overloading and illegal transportation of the minerals from District Una, 5 Nos Mining Check Posts alongwith weigh bridges have been set up.
- ✓ Mining lease holders/transporters modify/extend the bodies of the trucks to increase their capacity to carry overloaded material in violation of the Motor Vehicle Act.
- ✓ No adverse impact on air quality/water level due to mining has been observed as reported by HPSPCB.

Be

2.3 Challenges mentioned by the Committee

- ✓ There is network of roads like National Highway, State Highway, Major roads & Interstate exit routes which give them laxity for transporting the minerals in an illegal manner through escape routes.
- ✓ In rainy season, the course of river is shifted, which give chance to the Mining Lease holder to make excuse for washing away of demarcation pillar/other such structures.

2.4 Recommendations of the Committee

- ✓ While approving mining plan of the mining area, Geo-fencing of the area to be leased out should be made so as to remove any ambiguity relating to lease area and boundaries. High frequency GPS enabled tractors may be provided to the Mining/Police Officers to take prompt action against illegal mining activity.
- ✓ JCBs/earth moving equipments may be provided with high frequency GPS with suitable alert mechanism to prevent unscientific/mechanical mining.

The independent five member committee, constituted by the Hon'ble National Green Tribunal under the Chairmanship of Justice Jasbir Singh, Former Judge, Punjab & Haryana High Court and now Chairman of the Monitoring Committee had held detailed discussion on the report, observations, challenges and recommendation of the committee, constituted by the Deputy Commissioner, Una in its 1st meeting held on 9.4.2021 and has given the directions as under:

2.5 Directions issued by the Chairman of Independent five members Committee in its meeting held on 9.4.2021

1. The report of the Committee, submitted by Additional Deputy Commissioner, Una, may be sent to all the Members of the Independent Five Members Committee for their information and comments, if any, on any of the issue so that they may make their suggestions in the next meeting to be held on 26.4.2021 for the effective implementation of the Minor Mineral (Concession) & Mineral (Prevention of Illegal Mining, Transportation and Storage) Rules, 2015.
2. The Orders dated 26.02.2021 in O.A. No. 360/2015 in the matter of National Green Tribunal Bar Association Vs Virender Singh (State of Gujarat) may be sent to all Members of the Independent Committee to peruse the same and the directions issued/observations made in various paras of the said order by the Hon'ble National Green Tribunal may be acted upon for their compliance and the same may be deliberated in the next meeting of the Independent Committee to be held on 26.04.2021 at 11.30 AM at Parwanoo.

Pu

3. The Principal Secretary, Deptt. of Environment, Science & Technology, State of Himachal Pradesh shall hold meeting with stakeholders and the concerned departments within 7 days and implement the order dated 26.02.2021 in OA No. 360 of 2015 in the matter of National Green Tribunal Bar Association Vs Virender Singh (State of Gujarat) and report in this regard may be sent to the Monitoring Committee, within 15 days.
4. The Committee, constituted by the Deputy Commissioner, Una may visit the illegal mining sites, as mentioned in the application and measure the distance of the Mining area from the bridges, Bandhs of the channelized river, status of pillars/demarcation structures at the sites, within 10 days and report be submitted to the Monitoring Committee.
5. Copy of the Himachal Pradesh Minor Mineral (Concession) & Minerals (Prevention of Illegal Mining, Transportation & Storage) Rules, 2015 may be provided to all the Members of the Independent Committee.
6. In compliance to order dated 02.03.2021 in OA No. 57/2021, Dr. Babu Ram, who has been appointed as Technical Expert of the Monitoring Committee by the Hon'ble National Green Tribunal in other matters, is also included as Technical Expert in the Independent five Members Committee to whom honorarium may be paid by HPSPCB to be determined by Chairman/Member Secretary of the Board in consultation with Justice Jasbir Singh, Former Judge, Punjab and Haryana High Court and now as Chairman of the Monitoring Committee.
7. The next meeting of the Independent five members Committee shall be held on 26.04.2021 at 11.30 AM at Parwanoo for which venue shall be decided by HPSPCB.

3.0 Submission of the report in compliance to para no. 3 of order dated 2.3.2021 in OA no. 57 of 2021 by the Deputy Commissioner, Una to the Hon'ble National Green Tribunal

In compliance to order dated 2.3.2021 in OA no. 57 of 2021 in the matter of Amandeep Vs State of Himachal Pradesh, Deputy Commissioner, Una, constituted a committee under the Chairmanship of Additional Deputy Commissioner, Una on 20.3.2021. The said committee submitted its report to the Deputy Commissioner, Una vide no. 280/Dev/ADC dated 7.4.2021. Further, the Deputy Commissioner, Una vide its letter no. 3209/AC/MA dated 7.4.2021 has submitted its report to the Hon'ble National Green Tribunal under intimation to the Monitoring Committee, which has already considered been by the independent five member committee in its

1st meeting held on 9.4.2021 and based on the observations, challenges mentioned by the committee and recommendations made by the committee, the Chairman of the independent five member committee had issued the directions which are mentioned in aforesaid para 2.5.

The next meeting of the independent five member committee was fixed on 26.4.2021 through Video conferencing but the Member Secretary, Himachal Pradesh Pollution Control Board vide its letter no. HPSPCB (NGT) OA no. 57/2021/Illegal Mining at Som Bhadra River (Swan River)/2021-849-855 dated 22.4.2021 has informed that in compliance to the decisions in the meeting held on 9.4.2021, a meeting was conducted by the Himachal Pradesh State Pollution Control Board with all the stakeholder department on 20.4.2021 under the Chairmanship of Principal Secretary, Department of Environment, Science & Technology, Govt. of Himachal Pradesh, wherein necessary directions have been issued to all the Concerned Departments in light of the order dated 26.2.2021 in OA no. 360 of 2015 in the matter of National Green Tribunal Bar Association Vs Virender Singh (State of Gujarat).

Further, it was informed that due to unprecedented rise in no. of Covid-19 cases in the State of Himachal Pradesh and to take measures to prevent its spread, Govt. of Himachal Pradesh has issued instructions/guidelines on 20.4.2021 for strict compliance by all the departments/ State Government/Boards/Corporations. Therefore, it was requested by Member Secretary, Himachal Pradesh State Pollution Control Board to reschedule the meeting to be held on 26.4.2021 in the 2nd week of May, 2021 so that necessary work i.e compilation of action taken report and submission of action plan in coordination with stakeholder department could be submitted to the Monitoring Committee.

Accordingly, the Chairman of the Independent five member committee has decided to reschedule the meeting to be held on 26.4.2021 to 13.5.2021 through Video conferencing. Action taken report / Action Plan to be submitted by the stakeholder department in light of the order dated 26.2.2021 in OA no. 360 of 2015, shall be considered by the independent five member committee and suitable action in the matter shall be taken accordingly.

The final report in the matter shall be submitted after visiting the mining sites in Som Bhadra river for thorough inspection/verification of the mining areas in Swan river in District Una (Himachal Pradesh).

4.0 Meeting taken by the Principal Secretary, Dept. of Environment, Science and Technology with stakeholder department on 20.4.2021 as directed by the Chairman of the independent five member Committee during the meeting held on 9.3.2021.

In compliance to the directions of the Chairman of the independent five members Committee during the meeting held on 9.4.2021 as mentioned in Para No. 3, Principal Secretary, Dept. of Environment, Science and Technology, Govt. of

Himachal Pradesh has held meeting with stake holder department of Himachal Pradesh on 20.4.2021 to review the compliance in OA No. 57 of 2021 titled Amandeep V/s State of Himachal Pradesh regarding illegal mining being carried out at Som Bhadra River (Swan river) in District Una, Himachal Pradesh. The minutes of the meeting are enclosed as per **Annexure-3**. The decision taken by the Principal Secretary, Dept. of Environment, Science and Technology in the said meeting are mentioned as under:

5.1 Decisions taken by the Principal Secretary, Dept. of Environment, Science and Technology on 20.4.2021

1. In compliance to Hon'ble NGT directions in order dated 26.02.2021 in O.A. No. 360/2015, District Level Task Force (DL TF) under the Chairmanship of Deputy Commissioner/District Magistrate/Collector with Superintendents of Police and other related senior functionaries (District Forest Officer, District transport officer, Regional officer- SPCBs, Senior Officer of Irrigation Department, District Mining Officer) with one/two independent member nominated by the Commissioner concerned may be constituted or the committee already constituted under Chairmanship of Deputy Commissioner shall be assigned the ToR of DL TF in addition to existing ones.
2. SEIAA will share the KML files with State geologist and Deputy Commissioner Una of all the leases in Swan River for enhanced surveillance through geo-fencing of mining lease area.
3. The State Geologist shall submit a action plan to shift to the geo-fencing of the leases across the State along with clear cut timelines.
4. State Geologist to share notification w.r.t. the revision of fine / challan amount with all the Stakeholders.
5. The District Administration may enhance surveillance to ensure illegal mining activities in Som Bhadra River are minimized.
6. Deputy Commissioner, Una and SP, Una to send a proposal including the funds required to enhance the vigilance against illegal mining. Deputy Commissioner, Una may take up the matter with GoHP for the usage of DMFT funds to strengthen vigilance of illegal mining activities in the area.
7. The State Geologist shall award mining leases as per the DSR plan only and the directions given by the Hon'ble NGT may also be incorporated as conditions in various mining leases granted by the Department.
8. All the concerned departments to prepare action plan (short term and long term) with specific timelines in light of the directions passed by Hon'ble NGT in order O.A. No. 57 of 2021, O.A. no 360 of 2015 and directions of Independent Five Member Committee. The action plan by Director, Science, Technology and Environment, Deputy Commissioner, Una and State Geologist to be sent within three days.

Re

9. All concerned departments to submit the action taken report along with action plan to HPSPCB within 3 days positively as the case is listed for further consideration before Hon'ble NGT on 10.05.2021.
10. All concerned departments to ensure strict enforcement of laws and take vigorous action against the defaulters as per the provisions under law.

It is submitted that before submitting the final report of Independent five members Committee, the Chairman of the Independent Committee has to consider the view points of Independent Committee on the following issue.

- i) Compliance of the order dated 26.2.2021 in OA No. 360 of 2015 in the matter of National Green Tribunal Bar Association Vs Virender Singh (State of Gujarat).
- ii) Action Taken Reports along with short term and long terms measures to be suggested by the stake holder departments of State of Himachal Pradesh to prevent illegal mining in Som Bhadra river (Swan river).
- iii) Compliance of other decisions taken by Principal, Dept. of Environment, Science & Technology.
- iv) Visit to the mining sites in Som Bhadra river by the independent five member Committee as soon as the prevailing conditions due to COVID-19 pandemic situation allow for safe and detailed visit of the illegal mining sites in Som Bhadra river (Swan river) in District Una (HP).

Thereafter, the Independent Five Member Committee shall submit its final report in OA No. 57 of 2021 in the matter of Amandeep V/s State of Himachal Pradesh after considering the above points and visit to the mining sites in Som Bhadra river for which 2½ month shall be required by the Independent Committee.

In the meantime, the independent Committee under the Chairmanship of Justice Jasbir Singh, former Judge, Punjab & Haryana High Court submit its interim recommendation as under.

6.0 Interim recommendations of independent five members Committee

1. The report submitted by the Committee, constituted under the Chairmanship of Additional Deputy Commissioner, Una, has prima facie proved that there is unscientific and illegal mining in Som Bhadra river (Swan river), wherein, 58 mining sites have been leased out, out of which 33 mining leases have been granted in private land, 4 mining leases have been granted by the Govt. and 21 mining leases have been granted Swan river to feed existing stone crushers. Unscientific mining has been mentioned due to the following reason.
 - i) Depth of mining in river bed is more than 1m
 - ii) The data provided by various departments indicate that mechanical mining is going on the mining lease areas and

the same has been verified by the Deputy Commissioner's Committee from random Google earth images taken from Nagran area in Swan river bed where 6 JCBs/ earth moving machines were found at the site and during spot inspection, 2 JCBs were found illegally plying in the area.

Therefore, independent Committee recommends that Deputy Commissioner, Una may depute District level task force to verify as to whether mining leases operating in river Som Bhadra are complying with general conditions as mentioned in rule 34 of Himachal Pradesh Minor Mineral (Concession) and Minerals (Prevention of illegal Mining, Transportation and storage rules, 2015), failing which legal action may be initiated under rule 71 of the said rules.

2. Since no boundary marks/pillars for demarcation of the mining areas have been found by the Committee at the mining lease sites therefore, the department of Mining/Geology shall mark boundary wall/pillars around each mining site in Som Bhadra river maintaining only one entry and exit gate within 01 month.
3. District level Task Force shall check the compliance of Mining Plan submitted by each mining lease holder operating their mining activities in Som Bhadra river within 02 months and report be submitted to Mining department as well as Deputy Commissioner, Una for further action.
4. The Department of Irrigation (Swan river flood management circle) shall continue to inspect the banks and infrastructure developed for channelization of river Som Bhadra and ensure that no portion of channelized river is damaged due to mining activities in the area. Their inspections may be conducted on quarterly bases.
5. The department of Transport and Police shall jointly check the overloaded trucks / vehicles carrying minor mineral/sand and heavy fine may be imposed on these vehicles/trucks. Driving License of the driver may be seized of and put into safe custody for 01 month.
6. District level Task Force shall seize of the vehicles used for illegal mining in Som Bhadra river and those may be released as per methodology mentioned Para 8 in order dated 26.2.2021 in OA No 360 of 2015.
7. The department of Transport and Police shall jointly check the loaded/overloaded trucks/vehicles carrying minor minerals/sand and in case these trucks are found with extended bodies, the

vehicle may be seized of and shall be released following the procedure and methodology as mentioned in par 8 of order dated 26.2.2021 in OA No 360 of 2015 in the matter of National Green Tribunal Bar Association V/s Virender Singh (State of Gujarat).

8. For transporting of minor mineral material from mining area, only one or two roads may be fixed and notified by department of Mining and all the mined materials should be transported only through these roads. There shall be total restriction on the movement of trucks carrying/transporting minor minerals/sand on the other non notified road
9. The department of Mining/Geology shall provide Geo fencing on all mining lease areas in river Som Bhadra within 03 months.
10. All the mining lease holders shall provide High frequency GPS on the vehicles deployed for transportation of mined material so that their movement can be tracked and can be monitored by the Department of Mining and Police and prompt action may be taken against the illegal mining operator.
11. During the meeting held on 9.4.2021, it was informed to the Independent Committee that no JCB/Mechanical equipments are allowed in mining of minor minerals/sand in Som Bhadra river (Swan river). Therefore, the Independent Committee recommends that no JCB/mechanical equipments may be allowed for mining in the river Swan.
12. In no case, mining of minor minerals/sand may be allowed in night hours.
13. The department of Irrigation may continue to make survey along river Som Bhadra 04 times in a year to ensure that no sand and gravel may be allowed to be extracted where erosion may occur and especially at the concave banks of the river.
14. District level Special Task Force shall not allow extraction of sand and gravel with 200 to 500m from sensitive structures such as water intake system, pumping station and bridges.
15. The department of Mining shall identify ways of scientific and systematic mining in Som Bhadra river and shall conduct replenishment study which may include the time for continuing replenishment after mining on area.
16. The department of Mining shall ensure that while preparing District Survey Report of mining area along Som Bhadra river, the stretches of river having aggradations/deposition of material where mining can be allowed may be identified. Identification of area of erosion and proximity to infrastructure structures and installation where mining should be prohibited may also done.

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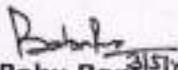
Further the District Survey report of mining area may be prepared as per structure mentioned in Sustainable Sand Mining Management Guidelines, 2016.

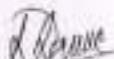
17. For monitoring illegal sand/gravel mining in Som Bhadra river, there should be a provisions of checking Transport permits, printing of transport permit on security papers, invisible ink mark, fugitive ink background and unique barcode system. The department of Mining shall provide said documents to the monitoring teams or District Level Special Task Force at District level. The Monitoring team deployed for checking of vehicles/trucks carrying mined material should be in a position to check the validity of Transport permit or receipt by scanning them using website, mobile phone application and SMS etc.
18. There should a mechanism at district level to generate the system which may enable the authorities to develop periodic report on different parameters like daily lifting report, vehicle log or history, lifting against allocation and total lifting. The system can be used to generate auto mails or SMS. This will enable the Deputy Commissioner to get all the relevant details and shall enable the authority to block the scanning facility of any site found to be indulged in irregularity.
19. The mining lease holder shall ensure that vehicles used for transportation of sand/mined material are to be permitted only with of fitness and PUC Certificates and he shall ensure that the road may not be damaged due to transportation of the mined material and transport of minerals will be as per IRC Guidelines with respect to complying with traffic congestion and density. The compliance in this regard may be checked by department of Mining.
20. The District level Task Force while monitoring the mining areas in Som Bhadra river shall check the following parameters.
 - i) No river/stream bed mining may be allowed within 75 meter from the periphery of soil conservation works, nursery plantations, check dams or within the distance as recommended by the Sub-Divisional Committee whichever is more.
 - ii) No river/stream bed mining may be allowed within 1/10th of its span or 5 meters from the banks or as specified by the Sub-Divisional Level Committee, whichever is more.
 - iii) No river/stream bed mining may be allowed within 200 meters upstream and downstream of water supply

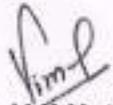
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scheme or as specified by the Committee, whichever is more.

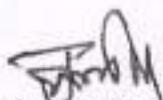
- iv) No river/stream bed mining may be allowed within 200 meters upstream and 200 to 500 meters downstream of bridges depending upon the site specific conditions.
- v) No digging for more than 1 meter shall be allowed in river/stream beds.
- vi) No blasting shall be allowed in river/stream beds.


Dr. Babu Ranit


Sunil Dave
Regional Director,
C P C B
Chandigarh


Dr. V.K Hatwal

Sd/-
Dr. P.R. Ojasvi,
IISWC, Dehradum


Justice Jasbir Singh
Former Judge,
Punjab & Haryana High Court
now as Chairman of the Monitoring
Committee

OFFICE OF THE MONITORING COMMITTEE

Constituted by the Hon'ble National Green Tribunal in Original Application no. OA No.916/2018 (earlier OA No.101 of 2014) and OA No.606 of 2018

(Official Address: Tower No.5, 4th Floor, Forest Complex,
Sector 68, SAS Nagar) Tel. No. 0172-2298091

Email: ceccswm606@gmail.com

To

The Member Secretary,
Himachal Pradesh State Pollution Control Board,
Shimla.

No. CMC/2021/1849
Dated: 7.6.2021

Subject: Minutes of the 2nd Meeting of Independent five Members Committee, constituted by the Hon'ble National Green Tribunal in OA No. 57/2021 in the matter of Amandeep Vs State of Himachal Pradesh regarding illegal mining at Som Bhadra River (Swan River) in District Una of Himachal Pradesh held under the Chairmanship of Justice Jasbir Singh, Former Judge, Punjab & Haryana High Court on 3.6.2021 at 11.00 AM through video conferencing.

Please find enclosed herewith minutes of the 2nd Meeting of Independent five Members Committee, constituted by the Hon'ble National Green Tribunal in OA No. 57/2021 in the matter of Amandeep Vs State of Himachal Pradesh regarding illegal mining at Som Bhadra River (Swan River) in District Una of Himachal Pradesh held under the Chairmanship of Justice Jasbir Singh, Former Judge, Punjab & Haryana High Court on 3.6.2021 at 11.00 AM through video conferencing for your information and necessary action.

It is requested that the minutes of the meeting may be sent to all the members of the Independent committee along with other officers with the request to take necessary action on the recommendations made/directions given by the Chairman of the Monitoring Committee in a time bound manner.

DA/-As above

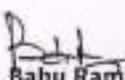

(Dr. Babu Ram) 7.6.2021
Technical Expert,
Monitoring Committee

Endst No. CMC/ 2021/1850

Dated: 7.6.2021

A copy of the above is forwarded to the Principal Secretary, Department of Environment, Science & Technology, Shimla for information and necessary action please.

DA/- As above


(Dr. Babu Ram) 7.6.2021
Technical Expert,
Monitoring Committee

Endst No. CMC/ 2021/1851

Dated: 7.6.2021

A copy of the above is forwarded to the Deputy Commissioner, Una for information and necessary action please.

DA/- As above


(Dr. Babu Ram) 7.6.2021
Technical Expert,
Monitoring Committee

Endst No. CMC/ 2021/1852

Dated: 7.6.2021

A copy of the above is forwarded to the Dr. V.K Hatwal, Joint Director/Scientist-D, Ministry of Environment, Forest & Climate Change, Chandigarh for information and necessary action please. He is also requested to convey the minutes of the meeting to the concerned members of the independent five member committee for necessary action.

DA/- As above

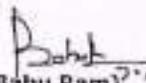

(Dr. Babu Ram)^{7.6.2021}
Technical Expert,
Monitoring Committee

Endst No. CMC/ 2021/1853

Dated: 7.6.2021

A copy of the above is forwarded to the Dr. Sarwan Kumar, Senior Environmental Engineer, HPSPCB, Shimla for information and necessary action please.

DA/- As above


(Dr. Babu Ram)^{7.7.2021}
Technical Expert,
Monitoring Committee

Minutes of the 2nd meeting of Independent five Members Committee, constituted by the Hon'ble National Green Tribunal in OA No. 57/2021 in the matter of Amandeep Vs State of Himachal Pradesh regarding illegal mining at Som Bhadra River (Swan River) in District Una of Himachal Pradesh held under the Chairmanship of Justice Jasbir Singh, Former Judge, Punjab & Haryana High Court and now Chairman of the Monitoring Committee on 03.06.2021 at 11.00 AM through Video Conferencing.

The list of the Officers, present in the meeting, is annexed as per Annexure-1.

The Chairman of the Monitoring Committee apprised that the Hon'ble National Green Tribunal in Para No. 3 and 4 of order dated 02.03.2021 has directed as under:

Para 3

Accordingly, the Secretary, Environment, HP, the State PCB and the District Magistrate, Una may verify facts and take further steps in the matter in terms of the above order of this Tribunal, following due process of law and give its report 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 and also upload the same on website of State PCB simultaneously so that the concerned parties/Departments can access the same for further course of action. The State PCB will be nodal agency for compliance and coordination.

Para 4

We also constitute an independent five-member Committee headed by Justice Jasbir Singh, former Judge of Punjab and Haryana High Court, 3 and comprising Regional Officers of the CPCB, the MoEF&CC, the Central Soil and Water Conversation Research Institute, Dehradun and the Himalayan Forest Research Institute, Shimla with the Regional Officer, MoEF&CC, Chandigarh being nodal agency. The Committee may visit the site and give an independent report of facts found and remedial action required. The State PCB and the District Magistrate, Una will provide logistic support to the independent Committee by e-mail as above. The Committee will be at liberty to take assistance from such other Institutions/Experts/individuals as necessary. Justice Jasbir Singh, former Judge of Punjab and Haryana High Court will be paid honorarium by the State PCB to be determined by the Chairman, State PCB in consultation with him.

In compliance to said order of Hon'ble Tribunal as mentioned in para 3, the Deputy Commissioner, Una vide letter No.3209/AC/MA dated 7.4.2021 has submitted the report to the Hon'ble National Green Tribunal under intimation to the Monitoring Committee with following challenges and recommendations.

Challenges mentioned by the Committee

- ✓ There is network of roads like National Highway, State Highway, Major roads & Interstate exit routes which give them laxity for transporting the minerals in an illegal manner through escape routes.
- ✓ In rainy season, the course of river is shifted, which give chance to the Mining Lease holder to make excuse for washing away of demarcation pillar/other such structures.

Recommendations of the Committee

- ✓ While approving mining plan of the mining area, Geo-fencing of the area to be leased out should be made so as to remove any ambiguity relating to lease area and boundaries. High frequency GPS enabled tractors may be provided to the Mining/Police Officers to take prompt action against illegal mining activity.
- ✓ JCBs/earth moving equipments may be provided with high frequency GPS with suitable alert mechanism to prevent unscientific/mechanical mining.

The independent five members Committee in compliance to order dated 02.03.2021 in OA no. 57/2021 in the matter of Amandeep Vs State of Himachal Pradesh has submitted its interim report before the Hon'ble NGT on dated 03.05.2021 with 20 recommendations.

In order to implement the directions given by Hon'ble National Green Tribunal in its order dated 26.02.2021 in OA no. 360 of 2015 in the matter of National Green Tribunal Bar Association Vs Virender Singh (State of Gujrat) and Guidelines as mentioned in Sustainable Sand Mining Management Guidelines, 2016 and Enforcement and Monitoring Guidelines for Sand Minings, 2020, a document containing the issues related to OA no.57 of 2021 in the matter of Amandeep Vs State of Himachal Pradesh and 360 of 2015 in the matter of National Green Tribunal Bar Association Vs Virender Singh (State of Gujarat) was sent to all members of the Independent five members Committee and concerned officers of State of Himachal Pradesh with the request to go through all the documents and if there is and suggestion/ modification /additional information to be inserted and amendments/changes are to be made in any of the point, the same may be sent separately to the Monitoring Committee.

Thereafter, the matter was taken up for discussion as under.

Statement of various departments.

1. Deputy Commissioner, Una

The Deputy Commissioner, Una informed that 60 mining leases have been granted in Swan river, out of which 32 (104-74-18 hectares) mining leases have been granted in private land and 28 (157-37-52 hectares) in Swan river to feed to existing stone crushers. He has submitted his recommendations for measures to be taken to control illegal mining vide letter no. 31/AC-MA-Mining dated 3.6.2021 (copy enclosed as per Annexure-2), which are briefly mentioned as under:

A. Strengthening the Mining Department

i. Adequate Staffing

The Swan river is the major river flowing through District Una and its length is about 63 Km, with catchment area of about 1222 Sq. Km and covering an area of 3700 hectares. The Swan river is having total 33 tributaries on the right bank and 17 tributaries on the left bank, whereas, the Mining Department in the District has one Mining Officer, one Mining Inspector, two Assistant Mining Inspectors and eight Mining Guards. Out of these, two Mining Guards have now been deputed on the mining check post at Bathri. The staff is not adequate to undertake day and night monitoring of such vast expanse of the river Swan. Thus, staff strength needs to be at least tripled to monitoring the multiple lessees and to take any effective action against illegal mining operations.

ii. Creation of Enforcement Wing

The Mining Department urgently needs an Enforcement Wing headed by a DSP level officer on deputation from the Police Department along with at least 40-50 armed police personnel under him to undertake constant monitoring of the vast expanse of river Swan day and night. A dedicated Enforcement Wing with seed fund to create an informer network against the illegal operators is required.

B. Implementing Hon'ble NGT judgment on vehicles/ equipment found engaged in illegal mining

(i) Woefully inadequate legal regime

The current legal system for action against vehicles/ equipments found engaged in illegal mining is quite inadequate to create any real deterrence. In fact, its design tends to favour the violator. If any vehicle/ equipment is found engaged in illegal mining in river bed, the officer on the spot either: (a) issues a challan to the violator on the spot and compounds the challan for a fine of minimum of Rs. 50000/-; or (b) seizes the vehicle/ equipment and sends the challan to the Court. Both options have serious loopholes built into the law itself which tend to favour the violator.

As per Rule 73 of Himachal Pradesh Minor Minerals (Concession) and Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2015, a violation by a particular vehicle/ equipment can be compounded only two times and thereafter the case has to be filed in the Hon'ble Court. However, since the challans are made by the Police department or the Mining department in manual forms and there is no way to know whether two violations have already been compounded in respect of an equipment/ vehicle. Resultantly, the violators can use same equipments/ vehicles for multiple times and the compounding amount of Rs. 50,000/- is hardly any deterrent for them.

If the vehicle/ equipment is seized and challan is sent to the Hon'ble Court, the Court tends to exercise its discretionary powers since the requirement of minimum compounding fine of Rs. 50,000/- under Rule 73 applies only to 'person authorized by State Government under Section 22 of the MMRDA, 1957' and not to Courts and therefore it is seen that the vehicle/ equipment gets released for small amount of Rs. 5000/- by the Court. In both these scenarios, no FIR is registered against the violators. The legal system clearly tends to favour the repeat offender and gives him courage that hardly anything can happen to him.

(ii) Raise the release amount for seized vehicles/ equipment and compounding amount

The State Government needs to issue appropriate notification to implement the judgement of the NGT dated 26.02.2021 in the matter of *National Green Tribunal Bar Association vs. Virender Singh* (OA No. 360/2015) regarding seizure and penalties on vehicles found doing illegal mining, specifically paragraphs 8 and 9 of the judgment and for imposing penalties on violators for releasing of vehicles engaged in illegal mining as per formula approved in para 12 of the said para taking into account the net present value of the environmental damage and not

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merely loss of royalty may also be approved for use during compounding of offences instead of the paltry sum of Rs. 50,000/-..

(iii) FIR should accompany seizure:

Citizens are now coming forward to report these violations w.r.t illegal mining. Section 22 of the Mines and Minerals (Development & Regulation) Act, 1957 (MMDRA) provides that no court shall take cognizance of any offence punishable under this Act or any rules made there under except upon complaint in writing made by a person authorised in this behalf by the Central Government or the State Government. In effect such serious offences are non-cognizable and police cannot register an FIR on the complaint of any citizen. This provision is quite old and needs to be changed. It has also led to confusion over the role of police in dealing with these serious crimes. Even with armed teams, who can deter illegal mining by their very presence, the police's role is not explicit in State's response to illegal mining. There is no reason as to why only an officer of the Government can file a complaint against illegal mining. Clearly, such provisions tend to favour the violators. **These offences should be made cognizable and non-bailable in nature.**

It should be made mandatory to register FIR in all cases where a vehicle/equipment is seized so that there is prospect of conviction of the violators and not merely small financial penalties on compounding. Standard operating procedure should be issued by the Mining Department for officers who find vehicle/equipment engaged in illegal mining and for prosecutors so that there is absolute clarity of the procedure to be followed and the case stands a winning chance in the Court.

(iv) Use of online app for compounding:

The Mining Department needs to create an online app which can be used by all officers authorized for compounding so that an alert can be generated for vehicle numbers in case of repeat violations are occurred. In all such cases, FIR should be registered and the case should be sent to Court for trial & conviction.

(v) Make stricter confiscation regime:

As per Rule 73, in case of illegal mining done mechanically in the river/stream beds, the amount of compounding fee shall not be less than Rs. 50,000/-. This is a very small penalty and the machine used in illegal mining gets used again and again and violators recoup the financial penalty within a day or two. Currently, any machine or transport vehicle found engaged in illegal mining can be seized by the officer on the spot (after two violations) but it can only be confiscated by competent court of law as per Section 21 (4A) of the MMRDA, 1957. This provision is ineffective and does not create any deterrence for the violators. **To create real deterrence, machines or transport vehicles found engaged in illegal mining should be allowed to be confiscated by the officer seizing them in the first instance itself and vested in the State Government and allocated to the executing agencies of the Government for use. The onus should be on the owner of the**

machinery/ vehicle to file a civil suit to recover the possession thereof.

This would absolutely deter mechanical mining in the river bed.

C. Revamping monitoring mechanism/ online portal

(i) Changes in online portal

The online portal used for generation of transit passes/ X-form by the lessees i.e. <http://emerginghimachal.hp.gov.in/miningstone> needs following changes:

- (a) The Mining Officer does not have access to Form-X data generated (how many, for which vehicle and for what quantity) by the lessee through his login. He can only block the lessee from generating transit passes. This needs to be rectified.
- (b) The total quantity for which a lessee can generate Form-X should be limited to the volume of mineral which he can legally extract annually i.e. leased area multiplied by the depth upto which he can carry out mining.
- (c) The portal only records the issuance/ generation of Form-X and the quantity of mineral claimed to have been extracted by the lessee. There is no obligation on the lessee to validate the Form-X and report its usage. Consequently, the lessee can simply make copies of the same Form-X and deposit it with different Departments of the Government itself which do not share records with each other in ordinary course. The software should have the functionality of recording the usage of Form-X. The QR code on Form-X once scanned should validate it by cross-checking with the online portal and if the same Form or its copy is scanned later, then the system should generate an alert that the Form-X has already been used. The lessee should be under obligation to get the Form-X scanned either at the mining check posts or at the end of the user agency/ Department so that each Form-X becomes unique and cannot be made into multiple copies.

(ii) Specification of transport routes and timing restrictions on transport:

In respect of lease holders, the Mining Officer should be the competent authority to specify the transport route which shall be used by the vehicles used by the lease holders so that it passes through one of the mining check posts established by the Department. There should be complete restriction on loading & transport of mined material after sunset and before sunrise, since this is the time window which is used for maximum evasion. These provisions already exist in respect of forest produce under the Himachal Pradesh Forest Produce Transit (Land Routes) Rules, 2013 and can be adopted in respect of mined minerals with salutary effect. **Currently, the lessee generates the Form -X at his own end which does not have the option of specifying the transit route. Lessee should give a list of vehicles to the Mining Officer which should be entered into the portal and which will get auto-populated in the software in the lessee's login. There should be an option with the Mining Officer to specify a transport route for each lessee which passes through a mining check post.** The list of permitted vehicles should be shared with the Police Department and with the mining check posts. Any vehicle which is not in

Pal

the list given by the lessees, should simply be impounded. All these vehicles should be made GPS enabled by the lessee and their movement should be accessible by the Mining Department through a central access login.

(iii) Onus on lessee for weighing the mined material:

The onus to get the material weighed should be on the lessee and he should maintain the record of weightment in respect of each Form-X generated. It is not possible to create mining check posts at each of the exit routes from the District. This would be an impractical and wasteful effort. Consequently, the best way to make the mining check posts effective is to force the lessee to bring the transported material to the check post and keep a record of weightment of all transported material to match it with the Form-X generated. **The Mining Department should order the lessees to get all vehicles used by them declared to the Department in advance, Form-X should be issuable only in respect of such declared vehicles, and get these vehicles to be weighed by taking them to an established mining check post and keep the weighing slips with them as record for subsequent verification.** There should be monthly inspection of the lessees by the Mining Officer to match the Form-X and weighing slips and any discrepancy should be considered as illegal mining and fine recovered thereof.

D. Demarcation of leases through geo-fencing:

Rule 34 (v) of the Rules provides that mining site shall only be handed over to the lease holder, after it is duly demarcated by permanent boundary pillars and certified by concerned Mining Officer. In river bed mining, lessees take the plea that the boundary pillars get washed away during monsoon season. Consequently, lessee can mine wherever they want until someone challenges their rights and applies for a demarcation. The Mining Department urgently needs to float an RFP to explore the possibility of geo-fencing of mining areas and effectiveness of other technological measures like remote volumetric analysis in case of riverbed mining.

2. The Superintendent of Police, Una

- Ref*
- i) Mining of sand with mechanical vehicles was found extracted beyond the depth of 1m as prescribed in the rules
 - ii) The vehicles, deployed for transportation of mind material, have been found overloaded.
 - iii) The area, where mining of sand or other minor minerals, has not been allowed, illegal sand mining was found done.
 - iv) To enhance the Monitoring mechanism, enforcement wing under the control of senior level officer of Police department may be posted at UNA, so that no illegal activity w.r.t mining area, excess depth of mining and use of equipments for unscientific mining may occur.
 - v) The department of police may be provided district mineral fund, so that the police authority may be provided with latest technology equipments/drones for night checking of mining of minerals in the area leased out for mining.

- vi) 44 illegal mining/transportation cases have been found and fine amounting to Rs. 8,60,000/- has been imposed and 2 challans have been sent to Hon'ble court.

3. State Geologist, HP

The State Geologist stated that illegal mining, overloading of trucks, using extended /modified bodies of trucks, have been found plying on the roads. These kind of activities are required to be controlled by the department of police.

4. Department of Environment, HP

The vehicles used for illegal mining and transportation should be confiscated and the powers may be with the District level officers as presently, such cases are in the jurisdiction of Hon'ble courts.

5. Independent five members Committee

i) Department of forests

It was informed that mining of sand and bajri in Forest area is carried out by the persons indulged in illegal mining and strong vigil is required to avoid such activity in forest area.

ii) MOEF & CC, Chandigarh

The recommendation made in the sustainable Sand Mining Guidelines, 2016 are quite elaborative and directive and the same may be implemented by the State of Himachal Pradesh.

iii) Central Pollution Control Board,

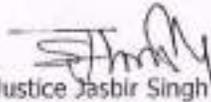
Use of IT system for Monitoring of mineral movement through transit permit with security features, location of transporting vehicles, scanning of transport permit, checking of vehicles carrying mineral material by the staff deployed for the purpose and route of the vehicle from source to destination may be tracked through the system, shall be quite useful.

After detailed discussion on the issue, the Chairman of the Independent five member committee directed as under.

- Re*
- 1) Deputy Commissioner shall get comply with the observations and recommendations raised/made by additional Deputy Commissioner, UNA during the visit of the committee, constituted by him to major Swan river mining area on 28.03.2021 and 01.04.2021.
 - 2) The Monitoring mechanism for seize and release of vehicles used for illegal mining, scale of compensation for violation on polluter pays principle as mentioned in the para no. 8 to 11 of order dated 26.02.2021 in OA no. 360/2015 in the matter of National Green Tribunal Bar Association Vs Virender Singh may be implemented by the concerned departments of Himachal Pradesh. The monitoring mechanism and suggestive additional requirements as mentioned in sub para no. 9.4 and 9.5, respectively, of para 18 of said order may also be implemented.

- 3) The compensation scale as mentioned Para no. 25 of order dated 26.02.2021 may be adopted in the State of Himachal Pradesh w.r.t mining in Som Bhadra river.
- 4) The State of Himachal Pradesh shall strictly follow Sustainable Sand Mining Guidelines, 2016 and Enforcement and Monitoring Guidelines for Sand mining, 2020 for preparation of District Survey Report (DSR), environmental management plan, replenishment studies, mine closure plan and grant of environment clearance.
- 5) The State of Himachal Pradesh shall also implement the directions issued in para no.28 of order dated 26.02.2021 by way of getting conduct visit to the mining lease sites by a five member committee, headed and coordinated by the SEIAA and comprising CPCB (wherever it has regional office), State PCB and two expert members of SEAC dealing with the subject. Such inspection must be conducted at least thrice for each lease i.e. after expiry of 25% the lease period, then after 50% of the period and finally six months before expiry of the lease period for midway correction and assessment of damage, if any.
- 6) The department of Environment, Science and Technology, State of Himachal Pradesh shall issue necessary office order /notification/rules for effective implementation of above directions issued in OA no. 360 of 2015 in the matter of National Green Tribunal Bar Association Vs Virender Singh and the issues raised at para B(ii) and B(vi) in letter dated 3.6.2021 of Deputy Commissioner, Una.
- 7) The various departments of State of Himachal Pradesh shall implement the action plan/action point as mentioned in letter no. 1617-22 dated 17.05.2021 of Member secretary, HPSPCB (copy enclosed as per Annexure-3) for effective and scientific mining of sand in Una area in Som Bhadra river.
- 8) While selecting mining sites to be given on mining lease, the conditions for grant of mining leases, conditions for river bed mining as mentioned in the Himachal Pradesh Minor Mineral (Concession) and Minerals (Prevention of illegal mining, transportation and storage) Rules, 2016, may be implemented.
- 9) While sending recommendations of the Independent five members committee to the Hon'ble National Green Tribunal, the recommendation made by Deputy Commissioner, Una w.r.t control of illegal mining in river Swan, District Una, as mentioned in his letter dated 3.6.2021, will be also made part of the recommendations of the committee.
- 10) In case of mining in private land, if any violation of the terms and conditions of the lease agreement is detected/ observed by way of extraction of sand/minor mineral more than the permissible quantity and mining is done in non scientific manner by using mechanical machinery etc, the said private land may not be allowed to be leased out for mining in the next year.

11) The independent five member committee shall visit Som Bhandra, river (Swan River) w.r.t mining sites in UNA, area (District Una) on 17.06.2021 at 10 AM. Thereafter, the independent five member committee shall make its further recommendations and report may prepared for submitting the same to the Hon'ble National Green Tribunal. HPSPCB shall provide necessary logistic support to the members of the Independent five members Committee during its visit to Som Bhadra River at Una.


Justice Jasbir Singh
Former Judge, Punjab & Haryana High Court &
Now as Chairman of the Monitoring Committee


Dr. Babu Rathi, 6.06.21
Technical Expert,
Monitoring Committee

From

Deputy Commissioner, Una,
District Una (H.P.)

To

Dr. Babu Ram
Technical Expert,
Monitoring Committee
Constituted by Hon'ble NGT
O/o 4th Floor, 5th Tower, Forest Complex,
Sector 68, SAS Nagar, Punjab.

No. 31 /AC-MA-Mining

Dated: 03-06-2021

Sub: Note on measures required to control illegal mining in river Swan, District Una

Sir,

Please refer to the video conference held on 03.06.2021 under the chairmanship of Justice Jasbir Singh, Former Judge Punjab & Haryana High Court wherein the Chairperson had directed the undersigned to submit a note on the measures required to control illegal mining in river Swan. In respect of river Swan and its tributaries, the Mining Department has granted 60 leases (262-11-77 hectares) for riverbed mining. Out of these 60 leases, 28 leases (157-37-52 hectares) have been granted to feed stone crushers established in the District. The remaining 32 leases (104-74-18 hectares) have been granted as open sale leases from where the lessee can extract the minerals and sell in open market. Out of these 60 leases, 52 leases have been granted in private lands which have been subsumed in the flow of river Swan while 08 leases have been granted in Government land. Pursuant to the directions, the following measures are hereby recommended for kind consideration of the Monitoring Committee:

A. Strengthening the Mining Department

- (i) Adequate Staffing: There is an urgent need to provide adequate staffing to the Mining Department in the field. The Swan river is the major river flowing through District Una with the length of about 63 Km, area of about 3700-00-00 hectares and catchment area of about 1222 Sq. Km. The Swan river is having total 33 tributaries on the right bank and 17 tributaries on the left bank. The Mining Department in the District has one Mining Officer, one Mining Inspector, two Assistant Mining Inspectors and eight Mining Guards. Out of these, two Mining Guards have now been deputed on the mining check post at Bathri. The staff is not adequate to undertake day and night monitoring of such vast expanse of the river Swan. This staffing strength needs to be at least tripled to monitoring the multiple lessees and to take any effective action against illegal mining operations.
- (ii) Creation of Enforcement Wing: The Mining Department urgently needs an Enforcement Wing headed by a DSP level officer on deputation from the Police Department along with at least 40-50 armed police personnel under him to undertake constant monitoring of the vast expanse of river Swan day and night. An agile, mobile, armed and dedicated Enforcement Wing with seed fund to create an informer network against the illegal operators is the need of the hour.

B. Implementing NGT judgement on vehicles/ equipment found engaged in illegal mining

- (i) Woefully inadequate legal regime: The current legal regime for action against vehicles/ equipment found engaged in illegal mining is woefully inadequate to create any real deterrence. In fact, its design tends to favour the violator. If any vehicle/ equipment is found engaged in illegal mining in river bed, the officer on the spot either: (a) issues a challan to the violator on the spot and compounds the challan for a fine of minimum of Rs. 50000/-; or (b) seizes the vehicle/ equipment and sends the challan to the Court. Both options have serious loopholes built into the law itself which tend to favour the violator. As per Rule 73 of Himachal Pradesh Minor Minerals (Concession) and Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2015 (hereinafter "the Rules"), a violation by a particular vehicle/ equipment can be compounded only two times and thereafter the case has to be filed in the Court. However, since the challans are made by the Police Department or the Mining Department in manual forms, there is no way to know whether two violations have already been compounded in respect of an equipment/ vehicle. Resultantly, the violators have a field day using the same equipment/ vehicle multiple times and the compounding amount of Rs. 50,000/- is hardly any deterrent for them. If the vehicle/ equipment is seized and challan is sent to the Court, the Court tends to exercise its discretionary powers since the requirement of minimum compounding fine of Rs. 50,000/- under Rule 73 applies only to 'person authorized by State Government under Section 22 of the MMRDA' and not to Courts and therefore it is seen that the vehicle/ equipment gets released for paltry sums of Rs. 5000/- by the Court. In both these scenarios, no FIR is registered against the violators. The legal regime clearly tends to favour the repeat offender and gives him courage that hardly anything can happen to him.
- (ii) Raise the release amount for seized vehicles/ equipment: The State Government needs to issue appropriate notification to implement the judgement of the NGT dated 26.02.2021 in the matter of *National Green Tribunal Bar Association vs. Virender Singh* (OA No. 360/2015) regarding seizure and penalties on vehicles found doing illegal mining, specifically paragraphs 8 and 9 of the judgment. It should be specifically mentioned in the notification that the Courts will also be bound to levy the minimum penalties laid down in law and should not to exercise any discretionary powers to lower the penalties.
- (iii) FIR should accompany seizure: Illegal mining is a very serious matter and it has serious environmental costs. Citizens are now coming forward to report these violations. Yet Section 22 of the Mines and Minerals (Development & Regulation) Act, 1957 (MMDRA) provides that no court shall take cognizance of any offence punishable under this Act or any rules made thereunder except upon complaint in writing made by a person authorised in this behalf by the Central Government or the State Government. In effect such serious offences are non-cognizable and police cannot register an FIR on the complaint of any citizen. This provision is quite old and needs to be changed. It has also lead to confusion over the role of police in dealing with these serious crimes. Even with armed teams who can deter illegal mining by their very presence, the police's role is not explicit in State's response to illegal

mining. It is beyond reason as to why only an officer of the Government can file a complaint against illegal mining. Clearly, such provisions tend to favour the violators by their very design. These offences should be made cognizable and non-bailable in nature.

It should be made mandatory to register FIR in all cases where a vehicle/ equipment is seized so that there is prospect of conviction of the violators and not merely paltry financial penalties on compounding. SOP should be issued by the Mining Department for officers who find vehicle/ equipment engaged in illegal mining and for prosecutors so that there is absolute clarity of the procedure to be followed and the case stands a winning chance in the Court.

- (iv) Use of online app for compounding: The Mining Department needs to create an online app which can be used by all officers authorized for compounding so that an alert can be generated for vehicle numbers in case of repeat violations. In all such cases, FIR should then be registered and the case should be sent to Court for trial & conviction.
- (v) Make stricter confiscation regime: As per Rule 73, in case of illegal mining done mechanically in the river/stream beds, the amount of compounding fee shall not be less than Rs. 50,000/-. This is a paltry penalty and the machine used in illegal mining gets used again and again and violator merrily recoups the financial penalty within a day or two. Currently, any machine or transport vehicle found engaged in illegal mining can be seized by the officer on spot (after two violations) but it can only be confiscated by competent court of law as per Section 21 (4A) of the MMRDA. This provision is ineffective and does not create any deterrence for the violators. To create real deterrence, machines or transport vehicles found engaged in illegal mining should be allowed to be confiscated by the officer seizing them in the first instance itself and vested in the State Government and allocated to the executing agencies of the Government for use. The onus should be on the owner of the machinery/ vehicle to then file a civil suit to recover the possession thereof. This would absolutely deter mechanical mining in the river bed.
- (vi) Raise the compounding amounts: Beyond raising amount for release of vehicle/ equipment found engaged in illegal mining, penalties should be imposed on violators as per formula approved in paragraph 12 of the NGT order in the matter of *National Green Tribunal Bar Association vs. Virender Singh* (OA No. 360/2015) taking into account the NPV of the environmental damage and not merely loss of royalty. This formula should be approved for use during compounding of offences instead of the paltry sum of Rs. 50,000/-. The State Government needs to notify these norms to be used mandatorily both by officers compounding the offences and by Courts where the case is sent for trial.

Paragraph 12 of the NGT judgment provides the approach to calculate the NPV based compensation. However, it is difficult for field officers to understand the mathematical calculations that underlie the formula. The Mining Department needs to study the formula and simply notify the per metric tonne fines which can be understood and enforced in the field.

C. Revamping monitoring mechanism/ online portal

(i) Changes in online portal: The online portal used for generation of transit passes/ X-form by the lessees i.e. <http://emerginghimachal.hp.gov.in/miningstone> needs following changes:

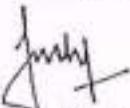
- (a) The Mining Officer does not have access to Form-X data generated (how many, for which vehicle and for what quantity) by the lessee through his login. He can only block the lessee from generating transit passes. This needs to be rectified.
- (b) During transit pass generation, the lessee can fill any details in the form. He can even fill applied for or temporary numbers in vehicle number column and fill absurd quantities which are much below the carrying capacity of the vehicles used. For example, he can generate an X-Form for carrying 1 MT in a medium tipper while in practice, no one would carry 1 MT sand in a tipper with a capacity of over 16 MT. The design of the online form itself gives scope for generation of fraudulent Form-X and under-reporting of quantities for which Form-X is generated. It is suggested that the weight of mineral should be auto-filled with the carrying capacity of the vehicle type chosen as it simply does not make economic sense to carry a vehicle with less than the maximum carrying capacity. The vehicle number field should be linked to Parivahan portal of Govt as temporary/ applied for numbers are the main instruments for illegal mining.
- (c) The total quantity for which a lessee can generate Form-X should be limited to the volume of mineral which he can legally extract annually i.e. leased area multiplied by the depth upto which he can carry out mining.
- (d) The portal only records the issuance/ generation of Form-X and the quantity of mineral claimed to have been extracted by the lessee. There is no obligation on the lessee to validate the Form-X and report its usage. Consequently, the lessee can simply make copies of the same Form-X and deposit it with different Departments of the Government itself which do not share records with each other in ordinary course. The software should have the functionality of recording the usage of Form-X. The QR code on Form-X once scanned should validate it by cross-checking with the online portal and if the same Form or its copy is scanned later then the system should generate an alert that the Form-X has already been used. The lessee should be under obligation to get the Form-X scanned either at the mining check posts or at the end of the user agency/ Department so that each Form-X becomes unique and cannot be made into multiple copies.

(ii) Specification of transport routes and timing restrictions on transport: In respect of leaseholders, the Mining Officer should be the competent authority to specify the transport route which shall be used by the vehicles used by the leaseholders so that it passes through one of the mining check posts established by the Department. There should be complete restriction on loading & transport of mined material after sunset and before sunrise, since this is the time window which is used for maximum evasion. These provisions already exist in respect of forest produce under the Himachal Pradesh Forest Produce Transit (Land Routes) Rules, 2013 and can be

adopted in respect of mined minerals with salutary effect. Currently, the lessee generates the Form -X at his own end which does not have the option of specifying the transit route. Lessee should give a list of vehicles to the Mining Officer which should be entered into the portal and which will get auto-populated in the software in the lessee's login. There should be an option with the Mining Officer to specify a transport route for each lessee which passes through a mining check post. The list of permitted vehicles should be shared with the Police Department and with the mining check posts. Any vehicle which is not in the list given by the lessees should simply be impounded. All these vehicles should be made GPS enabled by the lessee and their movement should be accessible by the Mining Department through a central access login.

- (iii) Onus on lessee for weighing the mined material: The onus to get the material weighed should be on the lessee and he should maintain the record of weighment in respect of each Form-X generated. It is not possible to create mining check posts at each of the exit routes from the District. This would be an impractical and wasteful effort. Consequently, the best way to make the mining check posts effective is to force the lessee to bring the transported material to the check post and keep a record of weighment of all transported material to match it with the Form-X generated. The Mining Department should order the lessees to get all vehicles used by them declared to the Department in advance, Form-X should be issuable only in respect of such declared vehicles, and get these vehicles to be weighed by taking them to an established mining check post and keep the weighing slips with them as record for subsequent verification. There should be monthly inspection of the lessees by the Mining Officer to match the Form-X and weighing slips and any discrepancy should be considered as illegal mining and fine recovered thereof. The obligation to maintain the record of quantity of minor mineral raised and dispatched from the leased area is already there in Rule 19 (1)(b) and needs to be monitored and verified using the weighment slips obtained from the weigh bridge of Mining Department. This obligation is also implicit in Rule 79 (4) which provides that one copy of transit pass shall be retained by Inspecting Officer/in-charge of Check Post who shall endorse the second copy, which shall remain with the carrier during transportation and shall hand over the same to dealer or buyer.

- D. Demarcation of leases through geo-fencing: Rule 34 (v) of the Rules provides that mining site shall only be handed over to the lease holder, after it is duly demarcated by permanent boundary pillars and certified by concerned Mining Officer. In river bed mining, demarcation of leased area is a tricky issue and the lessees take the plea that the boundary pillars get washed away during monsoon season. Consequently, lessee can mine wherever they want until someone challenges their rights and applies for a demarcation. The Mining Department urgently needs to float an RFP to explore the possibility of geo-fencing of mining areas and effectiveness of other technological measures like remote volumetric analysis in case of riverbed mining.


Raghav Sharma, IAS
Deputy Commissioner,
Una, District Una (H.P.)
01975-225800



H.P. STATE POLLUTION CONTROL BOARD
"HIM PARIVESH" PHASE-III, NEW SHIMLA-171 009 (H.P.)
Phone: 0177 2673766, 2673274 Fax: 0177 2673018



No. HPPCB/NGT/O.A. 57 of 2021/Illegal Mining at Som Bhadra River/2021 -

1617-22
Dated 17.5.2021

To

✓ Dr. Babu Ram,
Technical Expert,
Monitoring Committee (constituted by Hon'ble NGT)

Subject: - Action Taken Report in the Hon'ble NGT matter vide OA. No. 57/2021 -reg.

Sir,

This has reference to letter no. CMC/2021/1817 dated 11.05.2021 vide which it has been informed that second meeting of Independent five members committee is scheduled to be held on 03.06.2021 at 11.00 AM through video conferencing under the Chairmanship of Justice Jasbir Singh, Former Judge, Punjab & Haryana High Court.

In this context, please find enclosed Action Taken Report in compliance of directions issued in OA no. 57 of 2021 as Amandeep v/s State of HP as received from the District Level Committee vide letter No. 318/Dev/ADC dated 12.05.2021 for favor of information.

Thanking you.

Yours faithfully

Encl.: As mentioned above

17/5/21
(Dr. Nipun Jindal, IAS)
Member Secretary
HPSPCB, Shimla-9

Copy to:

1. The Pr. Secretary (Env. Sci. & Tech.) to the GoHP for kind information and further necessary action please.
2. The PS to the Chairman of the "Independent five Members Committee", for kind information and further necessary action please.
3. Dr. Sunil Dave, Regional Director, CPCB Chandigarh, for kind information please.
4. The Director, ICAR- Indian Institute of Soil and Water Conservation, 218, Kaulagarh Rd., Dehradun, Uttarakhand-248195 for kind information please.
5. Dr. Vimal Kumar Hatwal, Joint Director/ Scientist 'D', MoEF&CC, Integrated Regional Office, Chandigarh (GoI) for kind information and further necessary action please.

17/5/21
(Dr. Nipun Jindal, IAS)
Member Secretary
HPSPCB, Shimla-9

From

The Deputy Commissioner,
Una, District Una (H.P)

To

The Member Secretary,
State Pollution Control Board,
Shimla-09, H.P.

No. 4375/MA-MC-I

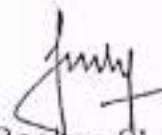
Dated: 12-5-2021

Subject:- Regarding preparing of Action Taken Report in compliance of
O.A. No. 57 of 21 Titled as Amandeep V/s State of H.P.

Sir,

Kindly refer to Minutes of the meeting No. HPSPCB/NGT/O.A. No. 57 of 2021/ illegal Mining in SomBhadra River/2021-1088-1099 dated 27-04-2021 on the subject cited above.

In this regard, the action taken report in compliance of O.A. No. 57 of 21 as Amandeep v/s State of HP as received from the District Level Committee vide letter No. 318/Dev/ADC dated 12-05-2021 is enclosed herewith for favour of information and further necessary action please.


Raghav Sharma, IAS
Deputy Commissioner,
Una, District Una (H.P.)
01975-225800
dc-una-hp@nic.in

From

The Additional Deputy Commissioner,
Una, District Una (HP).

To

The Deputy Commissioner,
Una, Distt. Una(Hp)

No. 318 /Dev/ADC

Dated: - 12-05-2021

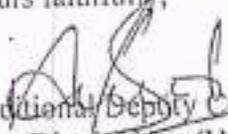
Subject:- Regarding Preparing of Action Taken report in compliance of O.A.
No. 57 of 21 Titled as Amandeep v/s State of H.P.

Sir,

Kindly refer to your office letter No. 4292/MA-MC-2 dated 10-05-2021 on
the subject cited above.

In this regard, the action taken report in compliance of OA-57 of 21 as
Amandeep v/s State of H.P. is submitted for favour of information and necessary action
please.

Yours faithfully,


Additional Deputy Commissioner,
Una, District Una (HP).

Encls. As above

Action taken report cum Action Plan to curb illegal mining in Swan River

Due to second wave of COVID-19 pandemic, the immediate attention and focus of police and district administration is mitigating COVID-19 situation and enforcement of necessary restrictions. Following are the latest actions taken to curb illegal mining in Swan River:

1. The Police and mining department have increased the vigil for any violations in relation to illegal extraction/transportation of Sand from Swan River.
2. The violations detected by Sub divisional Magistrates of district Una were reviewed during latest monthly revenue officers meeting and SDMs were further directed to focus on mining related violations so as to curb illegal mining in Swan River.
3. Details of violation detection in relation to financial year 2019-20 and 2020-21 have already been given in Verification cum Enquiry report. Details of violations detected in month of April, 2021 are as follows:

| Sr. No | Department/ Officials | Details | No of cases, April, 2021 | Fine/ Penalty collected | Remarks |
|--------|-----------------------|--|--------------------------|---|---|
| 1. | Mining Department | Illegal mining / extraction (Manual) | 0 | 0 | |
| | | Illegal mining / extraction (Mechanical) | 01 | 50,000 | |
| | | Illegal Storage of Mining material | 0 | 0 | |
| | | Illegal Transportation | 12 | 1,53,500 | |
| 2. | Police Department | Illegal mining / extraction (Manual) | 0 | 0 | |
| | | Illegal mining /extraction (Mechanical) | 04 | 02 challans sent to Court, 02 challans fined Rs. 4,00,000 | |
| | | Illegal Storage of Mining material | - | - | |
| | | Illegal Transportation | 40 | 4,60,800 | |
| | | Overloading | - | - | |
| 3. | Transport Department | Overloading | 39 | 2,60,000 | Details of overloading include all types of material including sand, Bajri, Boulders etc. |
| | | Total violations detected | 96 | 13,24,300 | |

4. The mining department has been directed to explore the possibility of putting some kind of height barriers on to the roads leading towards the Swan Rivers so as to prevent illegal transport of sand through escape routes for avoiding mining check posts.

For effective vigil in river bed during odd hours Police/Mining department is being equipped with high quality night vision drones which can capture the exact location of violations *vis-à-vis* location of mining leases. Although one drone have been provided to police department, but provision of more Night vision Drones is being done. Market survey in this relation is being done.

Besides above steps, following action plan points are being submitted:

1. As recommended, at the mining plan approval stage itself, Geo fencing of the leased area is to be done using ETS-GPS method. It will remove any ambiguity related to lease area and its boundaries. Along with this high accuracy GPS location trackers, are to be given to mining/ police teams to act against mining lease holders if found mining illegally. This has to be done by the Mining Department.
2. A compulsory GPS installation in all the JCBs and earth moving equipment along with suitable alert mechanism (whenever it breaches the No-Go areas) can be developed to prevent mechanical unscientific mining in Swan River.
3. Separate enforcement teams have to be constituted, consisting of members from mining department, police department, forest department, revenue department and HP State Pollution Control Board.
4. Mining department needs to be strengthened by investing the royalty realized into creation of enforcement wing of Mining police. Mining department cannot just be a department giving out leases without any enforcement wing. If approval is given & suitable amendments are made in the rules, the payment can be made from District Mineral Fund.
5. In order to adopt seizure and release of vehicles involved in illegal mining as per the "National Green Tribunal Bar Association Versus Virender Singh (State of Gujarat)" judgement, the State Govt. has to issue an appropriate Office Order/Rule to the above effect so that implementation of the same can be done at district level.
6. Total 5 mining check posts along with Weigh Bridges were established along interstate borders. Due to flat topography of area there are many escape routes to enter Punjab. Thus number of check posts along with weighbridges can be increased so that theft of minerals / overloading can be checked effectively.
7. Total area of Swan River sub catchment is 1222 Sq Km. During flood, the stream carries sediments comprising different component as per lithology forming the catchment and these sediments are deposited in the bed of stream annually. Since all the major tributaries of Swan river (catchment area) are channelized in District Una, thus it would be appropriate to study the replenishment rate of the minerals in river bed. If the replenishment is found to be less, then sufficient time for replenishment has to be given to the river and no fresh as well as renewal of mining leases should be granted in the river bed as per the expert study.
8. The working of the existing mining leases can be reviewed after every six months by the Monitoring Committee constituting members of PCB, PWD, Jal Shakti Vibhag, Flood protection division, Geological wing, Forest Department and after getting NOC, further working in granted lease area can be allowed. In case, committee finds the working is not done as per the provisions, the mining lease should be recommended for termination.

9. The lease / auction holder can be made responsible for any loss to embankment structures raised by department 250m upstream and 250 downstream of the area granted in his favour, the lease holder will furnish undertaking in this regard.


Additional Deputy Commissioner,
Una District Una (HP)



H.P. STATE POLLUTION CONTROL BOARD
"HIM PARIVESH" PHASE-III, NEW SHIMLA-171 009 (H.P)
 Phone: 0177 2673766, 2673274 Fax: 0177 2673018



No. HPPCB/NGT/O.A. 57 of 2021/Illegal Mining at Som Bhadra River/2021 -

1617-22
 Dated 17.5.2021

To

✓ Dr. Babu Ram,
 Technical Expert,
 Monitoring Committee (constituted by Hon'ble NGT)

Subject: - Action Taken Report in the Hon'ble NGT matter vide OA. No. 57/2021 -reg.

Sir,

This has reference to letter no. CMC/2021/1817 dated 11.05.2021 vide which it has been informed that second meeting of Independent five members committee is scheduled to be held on 03.06.2021 at 11.00 AM through video conferencing under the Chairmanship of Justice Jasbir Singh, Former Judge, Punjab & Haryana High Court.

In this context, please find enclosed Action Taken Report in compliance of directions issued in OA no. 57 of 2021 as Amandeep v/s State of HP as received from the District Level Committee vide letter No. 318/Dev/ADC dated 12.05.2021 for favor of information.

Thanking you.

Yours faithfully

Encl: As mentioned above

Nipun Jindal
 17/5/21
 (Dr. Nipun Jindal, IAS)
 Member Secretary
 HPSPCB, Shimla-9

Copy to:

1. **The Pr. Secretary (Env. Sci. & Tech.)** to the GoHP for kind information and further necessary action please.
2. **The PS to the Chairman of the "Independent five Members Committee"**, for kind information and further necessary action please.
3. **Dr. Sunil Dave, Regional Director, CPCB Chandigarh**, for kind information please.
4. **The Director, ICAR- Indian Institute of Soil and Water Conservation, 218, Kaulagarh Rd., Dehradun, Utrakhand-248195** for kind information please.
5. **Dr. Vimal Kumar Hatwal, Joint Director/ Scientist 'D', MoEF&CC, Integrated Regional Office, Chandigarh (GoI)** for kind information and further necessary action please.

Nipun Jindal
 17/5/21
 (Dr. Nipun Jindal, IAS)
 Member Secretary
 HPSPCB, Shimla-9

From

The Deputy Commissioner,
Una, District Una (H.P)

To

The Member Secretary,
State Pollution Control Board,
Shimla-09, H.P.

No. 4375/MA-MC-I

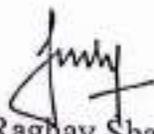
Dated: 12-5-2021

Subject:- Regarding preparing of Action Taken Report in compliance of
O.A. No. 57 of 21 Titled as Amandeep V/s State of H.P.

Sir,

Kindly refer to Minutes of the meeting No.
HPSPCB/NGT/O.A. No. 57 of 2021/ illegal Mining in SomBhadra
River/2021-1088-1099 dated 27-04-2021 on the subject cited above.

In this regard, the action taken report in compliance of O.A. No.
57 of 21 as Amandeep v/s State of HP as received from the District Level
Committee vide letter No. 318/Dev/ADC dated 12-05-2021 is enclosed
herewith for favour of information and further necessary action please.


Raghav Sharma, IAS
Deputy Commissioner,
Una, District Una (H.P.)
01975-225800
dc-una-hp@nic.in

From

The Additional Deputy Commissioner,
Una, District Una (HP).

To

The Deputy Commissioner,
Una, Distt. Una(Hp)

No. 318 /Dev/ADC

Dated: - 12-05-2021

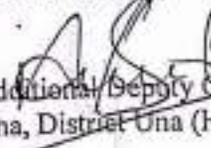
Subject:- Regarding Preparing of Action Taken report in compliance of O.A.
No. 57 of 21 Titled as Amandeep v/s State of H.P.

Sir,

Kindly refer to your office letter No. 4292/MA-MC-2 dated 10-05-2021 on
the subject cited above.

In this regard, the action taken report in compliance of OA-57 of 21 as
Amandeep v/s State of H.P. is submitted for favour of information and necessary action
please.

Yours faithfully,


Additional Deputy Commissioner,
Una, District Una (HP).

Encls. As above

Action taken report cum Action Plan to curb illegal mining in Swan River

Due to second wave of COVID-19 pandemic, the immediate attention and focus of police and district administration is mitigating COVID-19 situation and enforcement of necessary restrictions. Following are the latest actions taken to curb illegal mining in Swan River:

1. The Police and mining department have increased the vigil for any violations in relation to illegal extraction/transportation of Sand from Swan River.
2. The violations detected by Sub divisional Magistrates of district Una were reviewed during latest monthly revenue officers meeting and SDMs were further directed to focus on mining related violations so as to curb illegal mining in Swan River.
3. Details of violation detection in relation to financial year 2019-20 and 2020-21 have already been given in Verification cum Enquiry report. Details of violations detected in month of April, 2021 are as follows:

| Sr. No | Department/ Officials | Details | No of cases, April, 2021 | Fine/ Penalty collected | Remarks |
|--------|-----------------------|--|--------------------------|---|---|
| 1. | Mining Department | Illegal mining / extraction (Manual) | 0 | 0 | |
| | | Illegal mining / extraction (Mechanical) | 01 | 50,000 | |
| | | Illegal Storage of Mining material | 0 | 0 | |
| | | Illegal Transportation | 12 | 1,53,500 | |
| 2. | Police Department | Illegal mining / extraction (Manual) | 0 | 0 | |
| | | Illegal mining /extraction (Mechanical) | 04 | 02 challans sent to Court, 02 challans fined Rs. 4,00,000 | |
| | | Illegal Storage of Mining material | - | - | - |
| | | Illegal Transportation | 40 | 4,60,800 | |
| | | Overloading | - | - | - |
| 3. | Transport Department | Overloading | 39 | 2,60,000 | Details of overloading include all types of material including sand, Bajri, Boulders etc. |
| | | Total violations detected | 96 | 13,24,300 | |

4. The mining department has been directed to explore the possibility of putting some kind of height barriers on to the roads leading towards the Swan Rivers so as to prevent illegal transport of sand through escape routes for avoiding mining check posts.

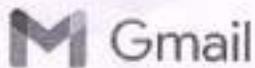
5. For effective vigil in river bed during odd hours Police/Mining department is being equipped with high quality night vision drones which can capture the exact location of violations *vis-à-vis* location of mining leases. Although one drone have been provided to police department, but provision of more Night vision Drones is being done. Market survey in this relation is being done.

Besides above steps, following action plan points are being submitted:

1. As recommended, at the mining plan approval stage itself, Geo fencing of the leased area is to be done using ETS-GPS method. It will remove any ambiguity related to lease area and its boundaries. Along with this high accuracy GPS location trackers, are to be given to mining/ police teams to act against mining lease holders if found mining illegally. This has to be done by the Mining Department.
2. A compulsory GPS installation in all the JCBs and earth moving equipment along with suitable alert mechanism (whenever it breaches the No-Go areas) can be developed to prevent mechanical unscientific mining in Swan River.
3. Separate enforcement teams have to be constituted, consisting of members from mining department, police department, forest department, revenue department and HP State Pollution Control Board.
4. Mining department needs to be strengthened by investing the royalty realized into creation of enforcement wing of Mining police. Mining department cannot just be a department giving out leases without any enforcement wing. If approval is given & suitable amendments are made in the rules, the payment can be made from District Mineral Fund.
5. In order to adopt seizure and release of vehicles involved in illegal mining as per the "National Green Tribunal Bar Association Versus Virender Singh (State of Gujarat)" judgement, the State Govt. has to issue an appropriate Office Order/Rule to the above effect so that implementation of the same can be done at district level.
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7. Total area of Swan River sub catchment is 1222 Sq Km. During flood, the stream carries sediments comprising different component as per lithology forming the catchment and these sediments are deposited in the bed of stream annually. Since all the major tributaries of Swan river (catchment area) are channelized in District Una, thus it would be appropriate to study the replenishment rate of the minerals in river bed. If the replenishment is found to be less, then sufficient time for replenishment has to be given to the river and no fresh as well as renewal of mining leases should be granted in the river bed as per the expert study.
8. The working of the existing mining leases can be reviewed after every six months by the Monitoring Committee constituting members of PCB, PWD, Jal Shakti Vibhag, Flood protection division, Geological wing, Forest Department and after getting NOC, further working in granted lease area can be allowed. In case, committee finds the working is not done as per the provisions, the mining lease should be recommended for termination.

9. The lease /auction holder can be made responsible for any loss to embankment structures raised by department 250m upstream and 250 downstream of the area granted in his favour, the lease holder will furnish undertaking in this regard.


Additional Deputy Commissioner,
Una District Una (HP)



Babu Ram <baburampatiala@gmail.com>

Report of the Independent five Members Committee in OA 57 of 2021 updated on 30.4.2021 at 1.00 PM (3)

4 messages

Dr. Vimal Kumar Hatwal <vk.hatwal@gov.in>
 To: projasvi <projasvi@gmail.com>, ranjeet <ranjeet@icfre.org>
 Cc: baburampatiala <baburampatiala@gmail.com>

Wed, Jul 7, 2021 at 12:07 PM

[Urgent]

Sirs,
 Kindly send me your consent to use your name as 'digitally approved' in the report on the above-mentioned subject.

Warm Regards,

(Vimal)

Vimal Kumar Hatwal, Ph.D.

Ministry of Environment, Forest and Climate Change [Government of India]
 Regional Office (Northern Zone),
 Bays No. 24-25, Sector 31 A, Dakshin Marg,
 Chandigarh - 160030
<http://momoef.gov.in/>

Dr. Vimal Kumar Hatwal <vk.hatwal@gov.in>
 To: baburampatiala <baburampatiala@gmail.com>

Wed, Jul 7, 2021 at 4:08 PM

From: projasvi@gmail.com
To: "Dr. Vimal Kumar Hatwal" <vk.hatwal@gov.in>
Sent: Wednesday, July 7, 2021 1:20:50 PM
Subject: Re: Report of the Independent five Members Committee in OA 57 of 2021 updated on 30.4.2021 at 1.00 PM (3)

Dear Dr. Hatwal:
 In response of your mail (attached), and my response dated July 3, 2021 for the above mentioned report, my consent is hereby conveyed for using my name as 'digitally approved' in the report on the above-mentioned subject.
 Regards,

P.R. Ojasvi
 ICAR-Indian Institute of Soil and Water Conservation (IISWC)
 218, Kaulagarh Road, Dehradun 248195

[Quoted text hidden]

Dr. Vimal Kumar Hatwal <vk.hatwal@gov.in>
 To: baburampatiala <baburampatiala@gmail.com>

Wed, Jul 7, 2021 at 4:32 PM

From: ranjeet@icfre.org
To: "Dr. Vimal Kumar Hatwal" <vk.hatwal@gov.in>
Sent: Wednesday, July 7, 2021 4:20:50 PM
Subject: [WARNING: ATTACHMENT UNSCANNED]Re: Report of the Independent five Members Committee in OA 57 of 2021 updated on 30.4.2021 at 1.00 PM (3)

: X-SpamInfo: helo-dns, Respected sir
 The report is approved by the undersigned as desired please.
 Thank you
 Regards
 Dr. Ranjeet Kumar
 Scientist-E
 HFRI, Shimla

-----"Dr. Vimal Kumar Hatwal" <vk.hatwal@gov.in> wrote: -----
 To: "projasvi" <projasvi@gmail.com>, "ranjeet" <ranjeet@icfre.org>
 From: "Dr. Vimal Kumar Hatwal" <vk.hatwal@gov.in>
 Date: 07/07/2021 12:08PM



report

1 message

Mining Officer <miningofficeruna@gmail.com>

Wed, Jul 7, 2021 at 4:11 PM

To: cecswm606@gmail.com, Geological Wing <geologicalwing@gmail.com>, Deputy Commissioner Una <dc-una-hp@nic.in>, Reader SP Una <readsp-una-hp@gov.in>

No Udyog(Bhu)-Laghu-UNA/ email

Office of the Mining Officer Una

District Una (H.P)

Dated Una . 07.07 .2021

To

Dr Babu Ram

Technical Expert ,

Monitoring Committee constituted by the Hon'ble Tribunal

O/o Tower No 5 , 4th Floor ,forest Complex Sctor 68,SAS Nagar Punjab

Subject: Regarding report .

Sir

In compliance to the verbal directions dated 17.06.2021 during the visit to Una by worthy Chairman of independent five member Committee constituted by Hon'ble National Green Tribunal in O.A No 57/2021 in the matter of Amandeep Vs State of Himachal Pradesh ,in matter regarding illegal mining at Som Bhadra river (Swan River) in district Una of Himachal Pradesh ,please find enclosed the report regarding quantification of minerals extracted from mining lease area & other than granted mining area in Basal area of district Una H.P.

This is for your information & necessary action please

Endst. No.: (as above) _____ Dated_07.07.2021

Copy to:

1. The Deputy Commissioner Una ,District Una H.P for information please .
2. The Superintendent of Police Una ,District Una H.P for information please
3. The State Geologist Himachal Pradesh Shimla-I . for information please .

No Udyog(Bhu)-Laghu-UNA/- 1031
Office of the Mining Officer Una
District Una (H.P.)
Dated

email

Una . 07.07 .2021

To

✓ Dr Babu Ram
Technical Expert,
Monitoring Committee constituted by the Hon'ble Tribunal
O/G Tower No 5 . 4th Floor ,forest Complex Sctor 68.SAS Nagar
Punjab

Subject: Regarding report .
Sir

In compliance to the verbal directions dated 17.06.2021 during the visit to Una by worthy Chairman of independent five member Committee constituted by Hon'ble National Green Tribunal in O.A No 57/2021 in the matter of Amandeep Vs State of Himachal Pradesh ,in matter regarding illegal mining at Som Bhadra river (Swan River) in district Una of Himachal Pradesh ,please find enclosed the report regarding quantification of minerals extracted from mining lease area & other than granted mining area in Basal area of district Una H.P.
This is for your information & necessary action please

Yours Faithfully

(Neeraj Kant)
Mining Officer,Una
Mobile No +91-9816519502
e.mail: monceraj79@gmail.com

Endst. No.: (as above)

Dated 07.07.2021

Copy to:

1. The Deputy Commissioner Una ,District Una H.P for information please .
2. The Superintendent of Police Una ,District Una H.P for information please
3. The State Geologist Himachal Pradesh Shimla-I . for information please .

(Neeraj Kant)
Mining Officer,Una
Mobile No +91-9816519502
e.mail: monceraj79@gmail.com

Report

In compliance to the verbal directions dated 17.06.2021 during the visit to Una by worthy Chairman of independent five member Committee constituted by Hon'ble National Green Tribunal in O.A No 57/2021 in the matter of Amandeep Vs State of Himachal Pradesh ,in matter regarding illegal mining at Som Bhadra river (Swan River) in district Una of Himachal Pradesh ,regarding quantification of minerals extracted from mining lease area & other than granted mining area in Basal area of district Una H.P . The quantity calculation was conducted with the help of surveyor Geological wing Department of Industries Shimla-I .

As per the office record, upstream Ghalluwal bridge to Mining lease granted in favour of M/s Bala ji Stone Crusher VPO Upper Basal, Tehsil & District Una H.P, total 9 mining leases in river bed of Swan were granted (5 mining leases for open sale & 04 mining lease for stone crusher units).As per the record available in the office total material extracted by these lease holders during currency of mining lease is as follows

| S.No | Name & address | Purpose of Mining Lease | Approved project capacity for five years as per Environmental clearance (E.C) | Total production (MT) | Mining lease period |
|------|---|-------------------------|---|-----------------------|--------------------------|
| 1 | Sh Somnath S/o Sh Yog raj VPO Upper Basal Tehsil & District Una H.P | For Open sale | 1,91,250 | 27890 | 30.04.2016 to 29.04.2021 |
| 2 | Sh Raman Kumar S/o Sh Dharampal VPO Ispur Tehsil Ispur District Una | For Open sale | 2,81,250 | 10950 | 16.02.2016 to 15.02.2021 |
| 3 | M/s Rudra Crusher VPO Ispur Tehsil Una District Una (H.P.) | For Stone crusher Unit | 4,50,000 | 235174 | 26.08.2016 to 25.08.2026 |
| 4 | M/s Shree Shree Rudra Stone Crusher & Screening Plant, VPO Basal Tehsil Una District Una (H.P.) | For Stone crusher Unit | 3,36,125 | 117250 | 21.07.2016 to 20.07.2031 |

| | | | | | |
|--------------|---|---------------------------|---------------------|--------------------|--------------------------------|
| 5 | M/s Matri Stone Crusher VPO Basal Tehsil & District Una H.P. | For Stone crusher Unit | 5,12,750 | 192827 | 07.04.2016 to 06.04.2031 |
| 6 | Sh Sham Kumar S/o sh Tilak Raj VPO Ispur Tehsil Ispur District Una | For Open sale | 2,02,500 | 34267 | 10.06.2015 to 09.06.2021 |
| 7 | Sh. Rajiv Kumar S.o Sh. Dhyan Singh VPO Upper Basal Tehsil and District Una H.P. | For Open sale | 3,93,750 | 13920 | 29.06.2017 to 28.06.2022 |
| 8 | Sh Sumit Kumar S/o Sh Harish Kumar Sharma R/o Village & PO Basal Tehsil Una District Una H.P. | For Open sale | 3,35,915 | 25333 | 20.6.2017 to 19.06.2022 |
| 9 | M/s Balaji Stone Crusher VPO Upper Basal, Tehsil & District Una H.P., | For Stone crusher Unit | 13,68,340 | 88245 | 21.03.2017 to 20.03.2032 |
| TOTAL | | | 40,71,880 MT | 8,16,746 MT | |

Apart from the granted mining leases ,the area upstream Ghalluwal Bridge to Mining lease of M/s Balaji stone crusher was also measured by Surveyor and it was found that approximately 1,24,964 cubic meter material (keeping the specific gravity of RBM 1.98 the total extraction is 2,81,169 MT(approximately) was found extracted from area other than granted lease area .

(Neera) Kant
Mining Officer, Una
Mobile No +91-9816519502
e.mail: moneeraj79@gmail.com

**Officers present during visit on dated 17/06/2021 of Independent Five Member Committee
constituted by Hon'ble NGT**

| Sr. No. | Officer Name | Designation | Department/Office |
|---------|----------------------------|--|---|
| 1. | Sh. Raghav Sharma | Deputy Commissioner | Deputy Commissioner Office Una |
| 2. | Dr. Amit Kumar Sharma | Addl. Deputy Commissioner | Deputy Commissioner Office Una |
| 3. | Dr. Arijit Thakur Sen | Superintendent of Police | SP Office Una |
| 4. | Sh. M. Madhav | Divisional Forest Officer | DFO Office Una |
| 5. | Dr. Nidhi Patel | SDO (C) | Sub Divisional Office (Civil), Una |
| 6. | Sh. Vishal Sharma | SDO (C) | Sub Divisional Office (Civil), Bangana |
| 7. | Sh. Gaurav Chaudhary | SDO (C) | Sub Divisional Office (Civil), Haroli |
| 8. | Sh. Vinay Modi | SDO (C) | Sub Divisional Office (Civil), Gagret |
| 9. | Er. Sharwan Kumar | Senior Environmental Engineer | HPSPCB Shimla (HQ) |
| 10. | Sh. Subhash Chander Sharma | Superintending Engineer | Swan River Flood Management Project Circle Una |
| 11. | Er. Rajesh Garg | Executive Engineer | HPPWD Una |
| 12. | Sh. Neeraj Kant | Mining Officer | District Mining Office Una |
| 13. | Er. Praveen Kumr | Assistant Environmental Engineer | HP State Pollution Control Board Una |
| 14. | Sh. Amit Kumar | Sub Divisional Soil Conservation Officer | SDSCO, Una |
| 15 | Sh. Ramesh Katoch | Regional Transport Officer | RTO Una |

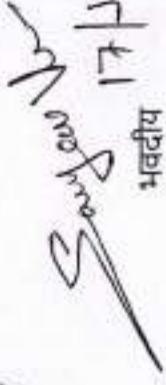
सेवा में,

नेशनल ग्रीन ट्रिब्यूनल अधिकारी

विषय-हिमाचल प्रदेश जिला ऊना के नगर परिषद संतोखगढ़ में सोमभद्रा नदी के बीच अबैध तरीके से खुलेआम खनन होने व स्वां नदी को नुकसान पहुंचाने व कलोनी को नुकसान होने हेतु प्रथाना पत्र

श्रीमान जी,

सविनय निवेदन है की मेरा नाम संजीव वर्मा पुत्र स्व श्री अमरीक सिंह वर्मा वार्ड नम्बर 08 गांव संतोखगढ़ तहसील व जिला ऊना हिमाचल का निवासी हूँ सर संतोखगढ़ की स्वां नदी में खुलेआम खनन हो रहा है खनन माफियाओं द्वारा यहां पर करीब 40- 40 फिट गहरे गड्ढे खोदे गए है सर जिस कनोली में हमारा परिवार रहता है वो बिल्कुल संवा नदी के साथ है स्वां नदी के साथ हुए तटीकरण खनन माफियो द्वारा पूरी तरह से तोड़ दिया गया है महोदय पुल के नजदीक बड़े बड़े खड्डे खोद दिए गए है जिसके कारण हर समय कनोली में पानी आने का खतरा रहता है हमारे छोटे छोटे बच्चे संवा नदी के नजदीक सैर करने के लिए जाते है यहां उनको हर समय जान माल का खतरा बना हुआ है महोदय पिछले महीने यहां पर संतोखगढ़ का युबक डूबने से बाल बाल बच गया खनन माफियो द्वारा दिन प्रतिदिन बिना किसी डर के विना बंदिशों के बेखोफ होकर अबैध रूप से खनन को अंजाम दिया जा रहा है जिसमे पुलिस प्रसाशन व खनन अधिकारों तक हाथ खड़े कर दिए है महोदय जिन लोगो को विभाग द्वारा रिलीज आबटित की गई है वो कनोली के बिल्कुल नजदीक है जिससे रेत उठाने के कारण पानी का बहाव कनोली की तरफ आना शुरू हो गया जिससे कनोली को कभी भी नुकसान पहुंच सकता है नगर पंचयात द्वारा कनोली के नजदीक कैसे रिलीज के लिए अनापत्ति प्रमाण पत्र नगर परिषद संतोखगढ़ द्वारा जारी किया गया ये भी जांच का विषय है हमे आपसे पूर्ण रूप से आशा है कि आप इस अबैध खनन को लेकर सख्त से सख्त कार्यबाही करंगे

 17 Jun 2021
भवदीय

संजीव वर्मा पुत्र स्व श्री अमरीक सिंह वर्मा

वार्ड नम्बर 08 गांव संतोखगढ़ तहसील व जिला ऊना हिमाचल



BLOCK CONGRESS COMMITTEE, HAROLI

DISTT. UNA (H.P.)

Vinod Kumar (Bittu)

President

Block Congress Committee,
Haroli, Distt. Una (H.P.)

VIII. & P.O. Kangar,
Teh. Haroli, Distt. Una (H.P.)
Mob.: 98054-50242, 70183-03996

जापने

Ref. No.

Dated 17.06.2021

राष्ट्रीय हरित प्राधिकरण
दिल्ली (भारत)

विषय - सागभूझ नदी व तटबंधों की बचाने हेतु -
शीमान जी,

हरौली ब्लॉक कांग्रेस आपके व्यापार्य कृषि तंत्रों लाना चाहती है जिसका विषय हरौली विधानसभा में ही अवेव रखने है। इसे अवेव रखने से जो खर्च का मुआना हो रहे वो इसे प्रकट है

I पूर्व की हिमाचल सरकार ने अना की जीवने वायनी नदी सागभूझ को सुरक्षित रखने के अर्थक प्रयास किए है। इ-ही प्रयासों के अंतर्गत इस नदी की तटीकरण परियोजना भी थी। लगभग 1400 करोड़ रुपये खर्च किए गये। जो आज इसे अवेव रखने के कारण टूटने की कगार पर है कई जगह खोली टूट चुके है।

II इसे तटीकरण के कारण हरौली विधानसभा की लगभग 4 हजार हेक्टेयर भूमि खेती लायक बनी थी जो आज फिर बंजर होने के कगार पर है क्योंकि नदी में ही रहे अवेवगाने के तरीके से अवेव रखने के कारण जल स्तर दिने प्रतिदिन नीचे गिरते जा रहे है। जिस कारण किसानों के जलसुख बंद हो गये है। हरौली की सतह प्रतिशत आवादी खेतीवादी पर निर्भर है। और इस अवेव रखने के कारण उनकी आजीविका पर ही खतरा मँडराने लगा है।

III भूमि को जलस्तर इतना गिर चुका है कि सिंचाई के लाभ-लाभ किसानों में पैयजल समझो भी विकराल रूप ल चुकी है।

1. जिला अंन में जितनी भी सिंचाई एवं पेयजल योजनाएँ हैं
 सबका जल एतर हो ही दे दे हो फुल नीचे जा चुका है।

IV अवैध खनन के कारण जिला अंन की सड़कों को भी सबसे
 ज्यादा भार पड़ी है। + योंकि खनन में लगी हर गाड़ी अपनी
 दामतां लें वंग गुणों ज्यादा भार लेकर जा रही है। प्रधानमंत्री
 प्राणी सड़क योजना के अंतर्गत बनने वाली सड़क न तो
 इतने भार को सहन करने के बनी है नहीं। जिला की सड़क
 इतना भार उठाने में सक्षम है।

V इस अवैध खनन के कारण सरकार को राजस्व को कमी हो
 का चुना लगे रहा है और हमारी बहुमूल्य संपदा को भारी नुकसान
 हो रहा है + योंकि ये लोग जितनी दामतां का एमि काम दे रहे है
 उतने कई गुना ज्यादा भार ले जा रहे है।

VI चूंकि अवैध खनन कारियों ने सरकार के संरक्षण में लागू
 नदी के धारा लगती सड़की गुने को अवैध खनन से बंध
 वना दिया है + जो गुने सरकार द्वारा प्राणी इलाका में चरागाह
 के रूप में घोषित गई थी। उसको भी इन लोगों खनन से बंध वना
 दिया। इन लोगों ने अपनी जबे करने के लिए इन चरागाहों को
 उजाड़ दिया।

VII जिला अंन के लोग न सिर्फ खेती सिंचाई में पेयजल की समस्या
 से गुंथ रहे है बल्कि अब यह जिला मु पी और विहार की लगे पर
 गोलियों की धंभ में दिन काट रहे है। जिला में अवैध खनन -
 कारियों द्वारा आये दिन गोलियों चलाया अब आगे हो गया है
 जो भी इनके खिलाफ आवाज उठाता है ये लोग उसे पर
 बंदूक लाने देते है। बार-बार प्रशासन के समक्ष ये कार
 आती रही है लेकिन आज तक इन गोलियों का कोई परकोई
 कार्य नहीं करी है। अतः आप से अनुरोध है कि आप
 एवम संज्ञान लें। और जिला में हो रहे अवैध, अवैशानिक
 खनन पर रोक लगाई।

| | | |
|--------------------------------------|---|-----|
| President Gen. Sec. B.C.C. Haroli | Vinod Kumar President Block Congress Haroli UDA HP | 116 |
|--------------------------------------|---|-----|

जिला खनन अधिकारी
अना (हि.प्र.)

विषय :- लोअर बसाल में नए क्रैशर को लगाने से रोकने
हैल!

श्रीमान् जी,
साविनय निवेदन है कि हम सभी गाँव कीलियों
को सूत्रों से पता चला है कि हमारे गाँव लोअर बसाल, अना,
हि.प्र. में एक नया क्रैशर लगाने जा रहा है जो कि राजीव
कुमार पुत्र श्री ध्यान चन्द, गाँव व.डा. बसाल बल्पर, अना, हि.प्र.
के नाम से लगाने जा रहा है। हमारा आपसे निवेदन है कि क्रैशर
की मंजूरी मिलने से पहले इसका निर्माण कार्य शुरू कर दिया
गया है। इसकी उचित जांच की जाए।

अतः इस क्रैशर के स्थल की, राजकीय उच्च विद्यालय
बसाल लोअर से अति दूरी नहीं है। जो नियमानुसार नहीं है।

इस पहलू पर भी जांच हो! हमारे गाँव के बच्चे पहली कक्षा
से दूसरी कक्षा तक पढ़ते हैं। यदि यह क्रैशर यहाँ लगता है तो
हमारे गाँव की नई पीढ़ी के स्वास्थ्य के साथ खिलवाड़ होगा।

अतः हम सभी ग्राम कीलियों का आपसे निवेदन
निवेदन है कि इस क्रैशर को यहाँ लगाने से रोक जाय।

प्रति लिपि

- ① राज्य भू-वैज्ञानिक।
- ② जिलाधीवा अना।

धन्यवाद सहित
समस्त गाँववाली

Up-Pardhan Ramay Kumar
Gram Panchayat Lower Basal
Block & Distt. Una (H.P.)

15-06-2021

- 1 राजेश कुमार
- 2 Anshu Kumar
- 3 Sunil Kumar
- 4 Prince Chaudhary
- 5 Ajay Kumar
- 6 Sahil
- 7 Harinder Kumar
- 8 Raksh Kumar
- 9 Mohit Kumar
- 10 Mahit
- 11 Bhupinder
- 12 Anil Kumar
- 13 Yogesh Kumar
- 14 Jatin Kumar
- 15 Babu
- 16 Karan Singh
- 17 Navesh Kumar
- 18 Ramee Kumar
- 19 Sahil
- 20 Adarsh Kumar
- 21 Kahe
- 22 Karan Singh
- 23 Sunny
- 24 Abhishek
- 25 Navinder Kumar
- 26 Mohit Kumar
- 27 Ashwani Kumar
- 28 Sahil Choudhary
- 29 Abhishek Kumar
- 30 Rakesh Kumar
- 31 Neeraj Kumar

- 32 Seema Choudhary
- 33 Seema Choudhary
- 34 Ram Taji
- 35 Ajay Kumar
- 36 Sagat Kumar
- 37 Satish Kumar
- 38 Surman
- 39 Raman Kumar
- 40 Bala Kumar
- 41 Satpal
- 42 Kunal Kumar
- 43 Nivani Devi
- 44 Saksham Devi
- 45 Subhash Chandra
- 46 Sima Devi
- 47 Rajesh Devi
- 48 Vijeta Devi
- 49 Anand Kumar
- 50 Kamal Kumar
- 51 Karan Singh
- 52 Anand Kumar
- 53 Anam Prakash
- 54 Prem Chandra
- 55 Anand Kumar
- 56 Nivani Devi
- 57 Rajesh Kumar
- 58 Sanjay Kumar
- 59 Mark Paul
- 60 Deepu

- 61 Anand Kumar
- 62 Raj Kumar
- 63 Rajesh Kumar
- 64 Money Singh
- 65 Harinder Singh
- 66 Anand Kumar
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स्वामी

डी०सी०

जना

विषय - कैंसर रोकने हेतु

महोदय

निवेदन यह है कि गांव मुर्लेड में कैंसर लगया जा रहा है। स्थान स्वा नदी के किनारे है जोकि आबादी से ५२० मी० पड़ता है। गांव के दो तिहाई आबादी नीचे बस्ती है। जमीन स्वा के किनारे पडती है।

वहां की महिलाएं घास लेने जाती हैं। पशु भी वहां पर चरते हैं। कैंसर चलने से उपजाऊ भूमि सारी खराब हो जायगी। इसका विरोध गांव की सभी महिलाएं कर रही हैं।

स्वयं सहायता समूह की सभी महिलाओं का भी अनुशेष है कि यह कैंसर नहीं लगना चाहिए। इस कैंसर से हमें अपनी अजीबका कर्म का साधन खत्म होता दिखाई दे रहा है। इस जगह से सभी महिलाएं अपने घर चले जाकर व उस जगह से अपने पशुओं के लिए चारा भी लाते हैं। फसल भी उगाते हैं। कमाई का साधन भी है। मुख्यमंत्री एक बीघा योजना जोकि सरकार द्वारा महिलाओं की कमाई के लिए एक और साधन बताया गया है। सभी महिलाओं की एक ही आवाज है कि यह कैंसर किसी भी हाल में नहीं लगना चाहिए। अपनी कमाई के लिए यह जगह नहीं चाहिए।

| | | |
|------------------------|-------------|--------------|
| Pooja Ravi | Sushila | सुशिला देवी |
| Rajakumari | Bimla Devi | नीलम देवी |
| Manisha Ravi | Poonam Devi | सुरेश कुमारी |
| Palka | सौनु | कोनला देवी |
| Raja Shorma | सीना कुमारी | हरिहर देवी |
| Sushma Devi | Rimpy | पंचना देवी |
| Tripta Devi | Neelam Devi | Babli Devi |
| Poonam | Tamraj | Neelam Devi |
| Meena Kum | Smil Kauri | Manth Kumar |
| Madhan Bala | विशाला देवी | Shusti Bala |
| Madhan Bala | रुपा नन्द | Sushma Devi |
| Hira Kumari | सीमा देवी | Ashwani Devi |
| Mamika Devi | कोनला देवी | Bansi |
| Pamerna | | Sushma Devi |
| Secna Kumari | | Bansi Singh |
| Doli Kumari | सध्या देवी | |
| Sharda Devi | पूजा देवी | |
| Kiran Devi | रजनी देवी | |
| Trishla Devi | मंजु | |
| Renu Bala | सौना देवी | |
| Sushma Kumari | कलजीत कौर | |
| Neeto Devi | Veena Devi | |
| Shardya | | |
| Renu Devi | विजय कुमारी | |
| Poonam Devi | | |
| शरीजा कुमारी | | |
| Rajni Devi | | |
| कोनला देवी | | |
| नीलम देवी | | |
| Binal Chaudhary | | |

Mob: → 98162-85314, 98166-34321, 98166-05670

94187-73352

120
 महिला मण्डल गुणलैहक
 तह. बनारी, जिला ऊना (हि.प्र.)
 तह. बनारी, जिला ऊना (हि.प्र.)

तृप्ता देवी

Shama Devi

Veeru Devi

श्रीत कुमारी

Smt. Mrs. Leela Devi

Shashi

Mahulini Devi

Savitri Upmanyu

K. S. Thakur

Smt. Smt. Smt.

श्रीमती देवी

श्रीमती देवी

Capt. Kulkarni

Madan Lal

[Signature]

[Signature]
शिवना देवी

[Signature]

नाम-पत्र

हस्ताक्षर

(संख्या) १

List of Stone Crushers installed within the catchment area of River Swan (Som Bhadra) & its tributaries

| Sr. No. | Industry Name & Address |
|---------|--|
| 1 | M/s Atharv Stone Crusher, VPO. Oel, Distt. Una (HP) |
| 2 | M/s Balaji Stone Crusher & Screening Plant, VPO Upper Basal, Tehsil & Distt. Una (HP) |
| 3 | M/s Bharat Stone Crusher, VPO Mawasindhia, Distt. Una (HP) |
| 4 | M/s Ganpati Stone Crusher, VPO Badoh, Tehsil Amb, Distt. Una (HP) |
| 5 | M/s HSD Stone Crusher, VPO Chururu, Tehsil Amb, District Una (HP) |
| 6 | M/s Jai Ganesh Stone Crusher, VPO Karluhi, Tehsil Amb, Distt. Una (HP) |
| 7 | M/s JBB Stone Crusher And Screening Plant, Village Jadla Koeri, PO Koeri, Tehsil Ghanari, Distt. Una (HP) |
| 8 | M/s Krishna Stone Crusher, Village Tatehra, PO Oel, Tehsil Amb, Distt. Una (HP) |
| 9 | M/s Luxmi Stone Crusher, VPO Thathal, Distt. Una (HP) |
| 10 | M/s Mahaveer Stone Crusher, Village Shivnagar PO Takarala, Distt. Una (HP) |
| 11 | M/s Mahesh Stone Crusher, VPO Karluhi, Tehsil Amb, Distt. Una (HP) |
| 12 | M/s Matri Stone Crusher, VPO Basal, Tehsil & Distt. Una (HP) |
| 13 | M/s Nainika Stone Crusher, Mauza Kadh, Teh. Ghanari, Distt. Una (HP) |
| 14 | M/s Rudra Stone Crusher & Screening Plant, VPO Upper Basal, Tehsil & Distt. Una (HP) |
| 15 | M/s Sarswati Stone Crusher & Screening Unit (Formly Sarswati Crushers Workers Welfare) VPO Basal, Tehsil & Distt. Una (HP) |
| 16 | M/s Shree Rudra Stone Crusher & Screening Plant, VPO Oel, Distt. Una (HP) |
| 17 | M/s Shree Shree Rudra Stone Crusher & Screening Plant-VPO Ghaluwal Tehsil Haroli, Distt. Una (HP) |
| 18 | M/s Thakur Enterprises Unit-II, VPO Kutheri Tehsil Amb, Distt. Una (HP) |
| 19 | M/s Thakur Enterprises, VPO Chowki Maniar, Tehsil Bangana, Distt. Una (HP) |
| 20 | Jagdambay Stone Crusher and Screening Plant, Mohal Ghaluwal, Sub Tehsil Ispur, Distt. Una (HP) |
| 21 | Thakur Stone Crusher, VPO Ambota, Teshil Ghanari, District Una HP |
| 22 | Rama Stone Crusher, Village Andora Uperla PO & Tehsil Amb District Una HP |
| 23 | M/s Shiva Stone Crusher, VPO Dhamandari, Distt. Una (HP) |