

**REPORT OF OVERSIGHT COMMITTEE IN COMPLIANCE OF ORDER OF HON'BLE
NATIONAL GREEN TRIBUNAL PASSED IN O.A. NO. 670/2018
(I.A. NO. 22/2019, M.A. NO. 145/2019, I.A. NO. 694/2019 & M.A. NO.
773/2019)IN RE: ATUL SINGH CHAUHAN VERSUS MINISTRY OF ENVIRONMENT,
FOREST AND CLIMATE CHANGE AND OTHERS WITH REGARD TO THE ILLEGAL
SAND MINING IN THE BED OF RIVER YAMUNA, PRAYAGRAJ.**

INTRODUCTION:

Applicant Atul Singh Chauhan had approached the Hon NGT with the contention that lot of irregularities were taking place in mining in river Yamuna at Prayagraj (Allahabad). His contention was that the mining was allowed prior to preparation of District Survey Report (DSR). He contended that it was being done in an unscientific way, in stream mining was resorted to. Mining was being done upto 4 to 6 meter deep using Pokland Machine. Mining was done without taking EIA clearance in violation of Supreme Court Judgment in *Deepak Kumar vs State of Haryana & others, (2012) 4 SCC 629*. 400 to 500 trucks of sand were daily moving out transporting sand instead of permissible limit of 125 trucks. These trucks were carrying a load of 12 to 20 cubic meters instead of permissible limit of 6 cubic meters. Mining was being done in utter violation of orders passed by Hon'ble NGT in the cases of *Sudarshan Dass vs MoEF*, *Mustakim vs State of UP* and *Satyendra Pandey vs Govt of India*.

Hon NGT constituted a Joint Committee under the Chairmanship of Commissioner, Prayagraj on Sept 20, 2018. The Committee while sending its report to Hon NGT acknowledged that illegal sand mining was going on in that area. Hon NGT on Feb 12, 2019 formed a Monitoring Committee under Chairmanship of Justice Rajes Kumar to examine the entire matter and send its report to Hon NGT. On May 09, 2019, Hon NGT examined the report of the Monitoring Committee. The Monitoring Committee in its report dated March 29,

2019 mentioned that illegal sand mining was going on in river Yamuna at Prayagraj. They came out with the following suggestions to remedy the situation:

1. CCTV Cameras should be installed at mining points to verify the amount of sand extracted.
2. Regular patrolling should be done by the police to inspect the mining operations.
3. Daily reports regarding mining should be sent to the District Magistrate.
4. In case of any irregularity, FIR should be lodged.
5. The District Magistrate and the Superintendent of Police should carry out surprise checks.

Hon NGT reiterated the order dated January 10, 2019 whereby it had ordered that every vehicle carrying illegal sand should be confiscated and it should not be released without recovery of 50% of showroom price. This order has been affirmed by Hon'ble Supreme Court on May 07, 2019. Besides confiscation, environmental compensation should be levied against illegal mining which should be based on net present value of the cost of damage to environment alongwith the cost of restoration of environment as well as cost of illegally mined material.

Hon NGT vide order dated July 04, 2019 examined the reports of Monitoring Committee dated 19.06.2019, 28.06.2019 and 02.07.2019. It directed removal of JCBs and other machines from the mining areas in river Yamuna. It also reiterated earlier directions of installing CCTV cameras, patrolling, surprise inspections and daily reports from the District Magistrate. Hon NGT on Feb 28, 2020 directed that there would be a single Oversight Committee (this Committee), which would be monitoring all environmental cases, which hitherto were monitored by separate committees. It examined the Monitoring Committee's report dated Nov 02, 2019 wherein it was mentioned that in Allahabad (now

Prayagraj), out of 83 silica sand washing plants, only 12 had permission from UP Pollution Control Board. These 12 silica sand washing plants were using tube-wells for washing without getting permission from Central Ground Water Authority. UPPCB had been asked by the Monitoring Committee to seal these plants and invoke environmental compensation on them. The Monitoring Committee had asked to give them an opportunity of hearing before taking final decision.

Hon NGT also mentioned that directions given in order dated 04.09.2019 in **OA No. 173/2018** in re:*Sudarshan Das versus State of West Bengal and others*, order dated 26.04.2019 passed in **OA No. 44/2016** in re:*Mushtakeem versus MoEF&CC and others* and order dated 13.09.2018 passed in **OA No. 186/2016** in re:*SatendraPandey versus MoEF&CC and another*, must also be followed in the State of UP. The operative portion of these three orders is annexed as Annexure-I to this report.

Salient directives in these cases are as follows:

1. There has to be a demarcation of boundaries of all mineral leases. No mining can be allowed without demarcating the boundary.
2. Mining has to be as per EIA Notification, 2006, MoEF Notification dated 15.01.2016 and Sustainable Sand Mining Management Guidelines, 2016.
3. Compliance of Water (Prevention and Control of Pollution) Act, 1974, Air (Prevention and Control of Pollution) Act, 1981 and Regulations of Central Ground Water Authority in all sand mining leases is mandatory.
4. For ensuring compliance of all these directives, district administration is fully accountable.
5. District Magistrates and Superintendents of Police have to seize all mining equipments and vehicles in case of illegal mining.

6. Besides criminal proceedings, there has to be imposed exemplary penalty by District Magistrates in case of illegal mining.
7. A detailed restoration plan for rivers and river beds has to be made, based on recommendations of Expert Committee.
8. Assessment of ecological damage has to be ensured by Indian Council of Forestry Research and Education, Dehradun, incorporating cost of river bed material, cost of ecological restoration, and net present value of the future ecosystem services foregone. Regional Officer of the Central Pollution Control Board would be the Nodal Officer.
9. Vehicles confiscated would be released only on payment of 50% of showroom value.
10. For environmental clearance in sand mining, even for B-2 cases, where land is between 5 to 25 Hectares, there will be provision for assessment (EIA), Environment Management Plan (EMP) and public consultation. Even in the cases of leases below 5 Hectares, Form-1M would be made more comprehensive and recommendation of environmental clearance would be made by State Environment Impact Assessment Authority (SEIAA) rather than by District Environment Impact Assessment Authority (DEIAA).
11. MoEF&CC will prepare guidelines for calculation of damage to minedout areas.

MONITORING COMMITTEE

The Monitoring Committee under Justice Rajes Kumar was constituted on 12.02.2019. It held its meetings on 29.03.2019, 19.06.2019, 28.06.2019, 02.07.2019, 12.06.2019, 23.10.2019, 02.11.2019 and 07.02.2019.

On 29.09.2019, the Committee while reviewing remedial action suggested:

- (i) Installation of CCTV Cameras
- (ii) Regular patrolling by police
- (iii) Daily reports to be given to District Magistrate
- (iv) Lodging of FIR in case of irregularity
- (v) Surprise checks by District Magistrate/Senior Superintendent of Police

On 28.06.2019, the Committee reiterated its earlier suggestions on remedial action given on 29.03.2019. It also asked for removal of JCBs from river beds.

On 02.07.2019, the Committee asked for serving notices to such bidders who had not registered for cancellation of their licence, forfeiture of their amount and criminal action against those, who were still mining despite service of notice to them. The Committee was apprised by the Chief Mining Officer that all stocks, which were seized due to illegal mining/illegal transportation, were disposed off by e-tendering. The Committee also noticed that No Objection Certificate (NOC) was not taken from Forest Department for stone mining and directed that finalisation of lease should take place only after NOC from Forest Department.

On 23.10.2019, the Committee noted that 71 out of 83 Silica Sand Washing Plants did not have clearance from UPPCB. The balance 12 Silica Sand Washing Plants, which had clearance from UPPCB, did not have licence from Central Ground Water Authority. The UPPCB was instructed to seal these 71 plants. Regional Officer, UPPCB was asked to give the complete status of all the plants.

On 08.01.2020, the Committee directed RC notices to be issued to such lessors whose lease had been cancelled for non-deposit. The Committee reviewed the process of Environmental Clearance in pending cases and directed to expedite the process. The Committee noted that out of 54 Pattas which had been carved out, 21 Pattas were settled for mining. The Committee felt that the

process of settlement was very slow. The Committee felt that illegal mining was going on by unauthorised persons without holding legal Patta and also from the stream of the river. The Committee, suspecting connivance of officers responsible for checking illegal mining, suggested enquiry by a fair and honest agency, both in Prayagraj and Kaushambi.

On 07.02.2020, the Committee reviewed the enforcement work with District Magistrate/Superintendent of Police, Prayagraj. District Magistrate/Superintendent of Police apprised it of the actions taken by them- spot inspections, vehicles seized etc. Petitioner Shri Atul Singh Chauhan mentioned that the main problem is in the Baswar area where illegal mining takes place through JCBs and boats, particularly at night. District Magistrate assured that he would get a Police Chauki opened in Baswar. The Committee while expressing satisfaction with the progress directed the DM/SSP to conduct more surprise checks and take stringent action against persons involved in illegal mining.

STEPS TAKEN BY DISTRICT ADMINISTRATION

The district administration Prayagraj have, vide their reports dated 03.07.2019, 06.02.2020, 16.06.2020 and 27.06.2020, (respectively Annexures-13, 12, 10 and 14) mentioned the steps taken by them.

1. A nine-member interdepartmental committee has surveyed the river bed. Based on the survey report, only those areas have been identified for leasing out which are outside the river stream. Only these areas would be allotted by them to prospective bidders through e-tender cum e-auction process.
2. The DSR for Prayagraj has been prepared as per guidelines of MoEF.
3. The enforcement figures as given by district administration are as follows:

SI No	Illegal mining cases	Illegal storage cases	FIRs	Illegal transport cases	Cases registered
2018-19					
1	56	06	196	194	06
2019-20					
2	32	04	132	537	05
2020-21					
3	02	09	11	87	09

4. Task Forces comprising of Sub Divisional Magistrate, Circle Officer and Assistant Road Transport Officer have been constituted in all sub-divisions to check illegal mining/ illegal transportation.
5. A police outpost has been recommended to be opened in village Baswar, P.S. Ghoorpur, which is sensitive from illegal mining point of view.
6. Weekly reports are sent by Task Forces to SSP office.
7. Presently, there is no illegal mining in River Yamuna.
8. Illegally stored sand is confiscated and auctioned off through e-auction after taking the Court's permission.
9. CCTV cameras will be installed at all sensitive points. CCTV camera is installed at the only point where sand mining is continuing.
10. Senior Superintendent of Police has been instructed by District Magistrate to ensure regular patrolling.
11. Station House Officers have been instructed to send daily reports with photographs to UPPCB and District Magistrate.

12. 19 out of 21 leases have been cancelled because of non-deposit of dues. Even the only lease in Yamuna river, which was operative, has been suspended for non-deposit.

13. Efforts for settlement of lease are going on despite the delay due to COVID-19.

Our observations: Presently, only 01 sand mining lease is operational for the entire district. Initially 54 Pattas were carved, out from which 21 Pattas were settled. 19 of them were cancelled due to non-deposit of dues or non-registration. Out of the 02 operational Pattas, 01 was suspended, leaving only 01 Patta operational. It is quite surprising that these Pattas were not settled throughout the year. Even this year, now due to rainy season, they would not be operational till October. It is worth pondering as to how the demand of the entire district would be met by just one Patta. This lends credence to the observation of the Justice Rajes Kumar Committee dated 08.01.2020 that illegal mining may be going on by unauthorised persons without holding legal Patta and also from river stream. Alternatively the possibility that illegal mining may be taking place in neighbouring districts from where sand may be coming to Prayagraj, may not be ruled out.

The enforcement figures also have drastically dropped. Only 02 illegal mining cases have been registered this year, compared to 32 last year. There is a drastic drop in FIRs registered and illegal transportation of mining material cases. Though CCTV camera is reported to be installed at the only place where mining Patta is operational, yet they are yet to be installed at other sensitive points despite repeated instructions. Why daily reports are not being sent? Why patrolling reports are not coming? Why despite assurance, Police Outpost has not been opened in Baswar area. The District Magistrate has to find out why despite his instructions, implementation is not taking place. Laxity in enforcement on

above points cannot be taken lightly and accountability needs to be fixed. The Divisional Commissioner, Prayagraj Division should enquire into all these aspects and send his report within one month. He should also ensure implementation of these instructions within a month.

Various issues involved in the matter were reviewed and discussed. Point-wise decisions taken by the Committee in the matter are detailed hereinafter:

S. No.	Issues/ points of discussion	Current status and decision
1	<p>Report regarding District Prayagraj.</p> <p>Recovery of damages for illegal mining and coercive measures against the vehicle involved in illegal sand mining.</p>	<p>Chief Mining Officer informed the Committee that in the entire State, at the places where sand mining is going on, weigh-bridges have been constructed and CCTV cameras have been installed to check illegal sand mining and its transportation. This has been incorporated in the rule.</p> <p>So far confiscation of vehicles is concerned, it was informed by the Chief Mining Officer that under the Mines and Minerals (Development and Regulation) Act, 1957 (for short, MMDR Act), the competent authority is the court of Chief Judicial Magistrate for lodging complaints. In the complaints, orders of the Hon'ble NGT are referred to. Confiscated vehicles are released by the court of Chief Judicial Magistrate concerned after obtaining an affidavit and trial continues in due course. This is a practice in Prayagraj, but in other districts too, the same procedure is being adopted.</p> <p>On query being made that when the orders of Hon'ble NGT in this regard have been confirmed by Hon'ble Supreme Court, then why the Chief Judicial Magistrate is releasing the confiscated vehicles on affidavit and whether the Chief Judicial Magistrate is made aware of the above confirmation by Hon'ble Supreme Court on 7th May, 2019 and even thereafter if confiscated vehicles are being released without payment of penalty, whether appeals are being preferred, the Chief Mining Officer replied that so far no appeal has been preferred, but they will do it now.</p>

ShriAshishTiwari, Member Secretary, UPPCB informed that the penalty regime has now been amended by Hon'ble NGT vide order dated 28.02.2020 passed in OA No. 670/2018 to the following effect:

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

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

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

It was further informed that the above penalty regime would be applicable for the offence committed for the first time but in case of repetition, penalty regime as provided in the order of Hon'ble NGT dated 10th January, 2019 would be applicable. In the said order of Hon NGT, it was directed that the State Government has to amend the rules and the confiscating officer is to be designated in consonance with amendments made and the amount so collected is to be remitted to State PCB/PCCs for being utilised for restoration of environment. The Hon'ble NGT had further directed that the above compensation

		<p>regime will be over and above any existing rules or provisions.</p> <p>Let the State Government issue an appropriate Office Order/Rule to this effect in accordance with the spirit of orders of Hon'ble NGT referred to hereinabove by incorporating State Amendment.</p> <p>The Committee was informed by ShriAnjani Kumar Singh, Mining Officer, Prayagraj that there are 2 running pattas i.e. Ganga (working) and Yamuna (suspended from 04.06.2020). Both the mining areas have CCTV cameras. There were 21 pattas earlier, but at present only two pattas are there, out of which one patta relating to Ganga is in running condition and the other one, which relates to Yamuna, is suspended on account of non-payment of royalty. Tender were advertised but due to lockdown, tender process could not be completed. He further informed that till date 14 FIRs have been lodged illegal sand mining. However, no penalty has been realised so far from illegal miners.</p> <p>The District Magistrate, Prayagraj should submit a detailed report within a week in regard to steps taken against illegal sand miners, vehicles confiscated, penalty imposed/realised, action taken against accountable officers, surprise inspections made so far by District Magistrate and Senior Superintendent of Police and daily reports submitted by the district administration to the Head Office at Lucknow.</p> <p>The Committee directed to check illegal mining by all means.</p> <p>CPCB was directed to provide assistance in calculating the EC in compliance with the directions of Hon NGT.</p> <p>The State Mines Department was directed to get an inspection made against illegal sand mining in the neighbouring Districts of Kanpur Dehat, Fatehpur, Chitrakoot and Kaushambi and submit a detailed report.</p>
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		<p>It shall be ensured that no mining is permitted to be done in violation of the provisions of MMDR Act and rules framed thereunder and suitable action is taken against wrong-doers.</p> <p>ShriAshishTiwari, Member Secretary, UPPCB suggested for issuing direction to CPCB to make standard formula for compensation instead of different compensation regimes presently in vogue.</p>
2	Best practices (setting up of control rooms)	The Committee has been informed by Chief Mining Officer that Command Centre has been established at Lucknow.
3	Installation of GPS	The Chief Mining Officer informed that process for installing GPS in vehicles is in progress.
4	Environmental compensation	The Committee suggested that EC is taken as per recommendations made by Hon'ble NGT on the report submitted by the Committee headed by Mr Justice Rajes Kumar.
5	License from UPPCB and CGWA (83 Silica Sand Mining Plants)	<p>ShriAshishTiwari, Member Secretary, UPPCB informed that out of 83 Silica Sand Washing Plants which were identified, only 04 have permission from UPPCB. Rest plants were sealed for want of permission on the basis of inspection done by a committee on 16.06.2020 and EC was imposed. District Magistrate has issued recovery certificate for realisation of the same.</p> <p>The Committee directed that Silica Sand Washing Plants be made viable after obtaining environmental clearance from UPPCB.</p>
6	Other items:	Department of Irrigation was directed to submit a report regarding illegal mining of minor minerals in irrigation channels.

RECOMMENDATIONS:

1. Out of total 21 sand mining leases, only one lease is currently working. It was reported that the settlement of closed leases has been delayed due to lock-down. Decrease in supply of sand can certainly lead to illegal mining. Hence it is recommended that enforcement may be strengthened. Constant monitoring need to be done through ground surveys and aerial surveys using drones. Night-surveillance may also be done through night vision drones.
2. If we analyse the enforcement figures illegal mining cases registered this year are only 02 as compared to 32 last year and 56 year before last. Similarly, FIRs registered are only 11 as compared to 132 last year and 196 year before last. Illegal transport cases are 87 as compared to 537 last year and 894 year before last. Though this year's figures are for six months as compared to 12 months for last year, still the progress is quite less. Mere instructions to Police to do regular patrolling and send daily reports would not help. Enforcement activity on ground needs to be augmented. Senior Superintendent of Police, Prayagraj needs to be made accountable for Police enforcement. Police outposts need to be opened in sensitive remote areas. Even the mining staff needs to increase enforcement action. Mere cancellation of lease for non-deposit is not enough. Wherever irregularities come to light, EC needs to be imposed and realised. Presently there is no realisation of EC. Recovery Certificates through District Magistrate should be executed with full vigour. The Committee while agreeing with Justice Rajes Kumar Committee and expressing its displeasure at the inordinate delay in settling Pattas (which may lead to illegal mining) and negligence in enforcement despite repeated instructions recommends that Divisional Commissioner, Prayagraj should look into the matter and report within a month.

3. Even in adjoining districts like Fatehpur, Kanpur Dehat, Chitrakoot and Kausambi, the mining department should carry on intensive inspection against illegal mining and report the progress to Hon NGT.
4. Out of 83 Silica Sand Washing Plants, only 04 have environmental clearance. They should be encouraged to fulfil all the environmental clearances to be operational.
5. The vehicles involved in illegal mining, that are confiscated, are released by Chief Judicial Magistrates without payment of prescribed penalty. This is despite the fact that Hon NGT orders have been confirmed by Superior Court. This point needs to be brought to the notice of the Court and in case of release, appeal should be preferred mentioning these details. The State can amend its Act/Rules in this regard (as done in Forest Act) which would then have precedence over Motor Vehicle Act.
6. Detailed restoration plans need be prepared in areas where there has been damage to environment. CPCB may help district administration in this regard. State has massive plans for afforestation this year during Van Mahotsav. Forest Department may plan out Green Belts in such areas. CPCB may help district administration to assess the ecological damage and for calculation of Environmental Compensation to be levied based on standard protocols. This will help levying Environmental Compensation in other districts as well. PCB has informed that the Expert Committee has already prepared a report regarding scale of compensation and sent it for approval to Hon NGT. The report is under consideration for final hearing on 15.07.2020 by Hon NGT. As soon as the scale of compensation gets approved, the same protocol shall be applied for calculation of EC in this case.

The Oversight Committee has considered the issue of sand mining in this report. All other issues raised in order dated 26.02.2020 in OA No. 670/2018 are common

with OA No. 606 of 2018 in re: Compliance of Municipal Solid Waste Management Rules, 2016. The Committee report on OA No. 606/2018 is being sent separately.

Sd/-
(Dr Anup Chandra Pandey)
Member, Oversight Committee

Sd/-
(Justice SVS Rathore)
Chairman, Oversight Committee

July , 2020

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OA No. 173/2018 in re: Sudarshan Das versus State of West Bengal and others, **Order dated 04.09.2019:**

“29. Apart from above, in view of the grave and alarming situation and gross failure on the part of the authorities in the concerned districts in both the States of Odisha and West Bengal and to prevent illegal and unscientific sand mining in the areas in question, we deem it essential to issue following directions:-

- (i) The State of West Bengal and Odisha may demarcate the boundaries for regulating grant of sand mining lease within three months from today. No mining lease of minor minerals may be given in the area in question till demarcation is complete. All existing mining operations in those areas shall remain suspended till demarcation work is completed and attains finality. To carry out the demarcation, the Chief Secretaries of the two States may constitute a team of three suitable officers each within two weeks. The said teams may hold their first meeting within one month.*
- (ii) The States of West Bengal and Odisha must ensure that mining in all sand mining blocks is undertaken strictly in accordance with the provisions of EIA Notification, 2006, MoEF Notification dated 15th January, 2016 and the Sustainable Sand Mining Management Guidelines, 2016. They must also ensure that no sand mining is permitted without due compliance of Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 as well as regulations governing clearances by the Central Ground Water Authority. The District Administration must be held accountable for any failure.*
- (iii) District Magistrates and Superintendents of Police, Balasore district in Odisha and Paschim Medinipur, West Bengal, respectively, shall seize all sump pumps, other machinery, tools, vehicles, etc. used for carrying out illegal sand mining.*

- (iv) *Apart from instituting appropriate criminal proceedings against those carrying out illegal mining, exemplary penalty shall be imposed against them by the concerned District Magistrates within three months from today to cover the cost of restoration of environment and to compensate the victims.*
- (v) *The Chief Secretaries of the two States shall also get prepared jointly a detailed restoration plan for river Subarnarekha and its river beds for which a Committee of experts shall be constituted from independent institutions, i.e., the CPCB, Indian School of Mines, Dhanbad and the respective State Pollution Control Boards as members. Such constitution may take place within one month.*
- (vi) *The Expert Committee shall carry out detailed study and submit the restoration plan, as far as may be practicable, within three months after its constitution.*
- (vii) *The Committee shall also get the assessment done through Indian Council of Forestry Research and Education, Dehradun of the ecological damage on account of illegal mining by incorporating the following components:*
- (a) *Cost of river bed material.*
 - (b) *Cost of ecological restoration.*
 - (c) *Net present value of the future ecosystem services foregone.*
- (viii) *The above steps may be facilitated by the Regional Office of the CPCB as nodal officer, by coordinating with the Chief Secretaries of the two States.*
- (ix) *The damage suffered by the inhabitants caused by the illegal mining may also be assessed by the above Committee, which shall form a separate component of the Restoration Plan for river Subarnarekha as per direction No. (v) above. Cost of restoration plan shall be recovered as environmental compensation from the illegal miners, to be identified by the District Magistrate. The component of the compensation in respect of damages suffered by the inhabitants may be credited with District Legal Services Authority. The*

District Legal Services Authority may disburse the same to the victims of illegal mining, after proper identification.”

OA No. 44/2016 in re: Mushtakeem vs MoEF&CC and others, Order dated 26.07.2019:

“20. It is made clear that pending further reports, the States must apply the compensation regime as per principles specified in paragraph 56 of order dated 05.04.2019.”

“56. Similar criteria may have to be taken into account for arriving at an approximate scale of compensation. The compensation is to include not only the full value of the illegally mined material but also cost of restoration of environment as well as cost of ecological services foregone forever. It should be deterrent so as not to render such illegal activity profitable. In *Sudarsan Das Vs. State of West Bengal & Ors.* (Supra), it was held that full value of the material, the cost of restoration and the NPV should form part of the compensation to be recovered. There has also to be action against the polluters and the erring officers. The vehicles or any other equipment used for illegal mining are required to be confiscated and to be released only on payment of at least 50% of the showroom value as laid down in *Original Application No.110(THC)/2012, Threat to life arising out of coal mining in South Garo Hills District v. State of Meghalaya & Ors.* This scale can then apply for all States, as far as possible.”

OA No. 186/2016 in re: Satendra Pandey vs MoEF&CC and another, Order dated 13.09.2018:

“22. For all these reasons, we direct that the procedure laid down in the impugned Notification be brought in consonance and in accord with the directions passed in the case of *Deepak Kumar (supra)* by (i) providing for EIA, EMP and therefore, Public Consultation for all areas from 5 to 25 ha falling under Category B-2 at par with Category B-1 by SEAC/SIEAA as well as for cluster situation wherever it is not provided; (ii) Form-1M be made more comprehensive for areas of 0 to 5 ha by dispensing with the requirement for Public Consultation to be evaluated by SEAC for recommendation of grant EC by SEIAA instead

of DEAC/DEIAA; (iii) if a cluster or an individual lease size exceeds 5 ha the EIA/EMP be made applicable in the process of grant of prior environmental clearance; (iv) EIA and/or EMP be prepared for the entire cluster in terms of recommendation (supra) of the Guidelines for the purpose of recommendations 6, 7 and 8 thereof; (v) revise the procedure to also incorporate procedure with respect to annual rate of replenishment and timeframe for replenishment after mining closure in an area; (vi) the MoEF&CC to prepare guidelines for calculation of the cost of restitution of damage caused to mined-out areas along with the Net Present Value of Ecological Services forgone because of illegal or unscientific mining.”

The minutes of meeting of Oversight Committee under Chairmanship of Hon'ble Justice (Retd.) Shri Rajes Kumar, Allahabad High Court held on dated 12.09.2019 at Circuit House, Prayagraj in compliance of Hon'ble NGT order dated 12.02.2019 in O.A. No. 670/2018, Atul Singh Chauhan vs. Ministry of Environment & Forests, Govt. of India and others and in compliance of Hon'ble NGT order dated 28.8.2018 in O.A. No. 164/2018, Ashwani Kumar Dubey vs. Union of India and others.

The attendance sheet of committee Members and stakeholders is enclosed.

Mining of sand and its transportation in Prayagraj District:

Shri A.K. Singh, Senior Mine Officer, District Prayagraj has submitted a Chart giving details of name of 21 bidders, to whom the land has been allotted in e-auction being the highest bidder; details of cases where lease deeds have been registered and cases where lease deeds have not been registered; details where the deeds have been registered but the instalment has not been paid, therefore allotments have been cancelled. In some of the cases, the writ petitions are pending and in 04 cases the matter has been sent back by the Hon'ble High Court for reconsideration. In those cases where the deed has not been registered, he submitted that they have not been allowed to carry on any mining operation; however, their contract has not yet been cancelled and the orders for forfeiture of the earnest money and subsequent deposits made by them have not been passed.

The Committee is of the view that in cases where the deed has not been registered/executed the notices should be issued to the highest bidder for (1) cancellation of the contract, (2) forfeiture of the amount deposited and (3) prohibiting them not to carry on any mining operation on the land allotted and



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in case if they are found carrying on the mining operation, the necessary civil and criminal action shall be taken.

Shri A.K. Singh stated that since in some cases the matter is pending in the Hon'ble High Court and interim order has been passed prohibiting not to take any coercive action, no further action is being taken. He submitted that for the future period on the settlement of the policy by the State Government the Mining Department will take the necessary steps. He also submitted that the stocks of the sand, which were seized on the ground of illegal mining or illegal transportation, have been sold by e-tendering and only such stocks are being allowed for sale and transportation. Shri A.K. Singh is directed to file the necessary papers relating to e-tendering.

Shri Atul Singh Chauhan states that it is necessary to ensure that the stocked, auctioned sand would actually be removed from the place and it may not be substituted by stacking the illegally mined sand. He raised his apprehension that the stock may be substituted by illegally mined sand.

Shri A.K. Singh, Senior Mine Officer and S.P. Jamunapar stated that they are carrying on regular monitoring. Shri Singh has also shown the video with CCTV cameras to monitor the stock. Shri A.K. Singh stated that at present sand mining is stopped due to flood and will restart from 1st October 2019. He submitted that mining shall be permitted in accordance to the Government policy.

STONE Mining:

Shri Atul Singh Chauhan states that the notification has been issued for e-tendering on 12.04.2018 by the District Magistrate for the allotment of the lease of the various places for carrying on the mining of stone. He states that in respect of the area mentioned in the notification 'No Objection Certificate' has not yet been taken from the Forest Department which is mandatory. Shri A.K.



Singh, Senior Mine Officer states that the e-auction has been held but the same has not been finalised due to non-issuance of 'No Objection Certificate' by the Forest Department. He submitted that the department will not finalise the e-auction held unless the NOC in respect the prescribed area is issued by the Forest department.

Mining of sand in Kaushambi District:

Shri R.P. Singh, Mine Officer, District Kaushambi is present. He submitted a Chart of 18 persons to whom the Patta has been allotted during the year 2018-19. The total allotment was to 18 persons. He has given the details that out 18 allotments, 08 allotments have been cancelled due to the non-deposit of the instalment. In the case of the remaining 10 cases, he is going to issue the notices for cancellation of the lease to the defaulters who have not deposited the instalment. The Committee directs him to furnish the details on the next date.

Shaheed Chandra Shekhar Azad Park:

The Superintendent, Garden states that it is not clear that whether the Garden Authority has to maintain the lawn inside the Circle or the contractor/PDA. Shri Gudakesh Sharma, Additional Secretary, PDA states that this is a very small issue which can be mutually settled. In case if she has any doubt, she can contact with the authorities of the PDA and the same shall be cleared. He assured that he will settle down the issue within one week.

The Superintendent, Garden also raised concern for the beautification of the park, particularly the area surrounding the statue of Shaheed Chandra Shekhar. She has brought to the notice of Committee three proposals of a Company *INDOX FOUNTAIN AND POOL* with the photographs and DPR. The Committee has perused the photographs and the DPR. The Committee is of the view that the three projects relating to the installation of the fountains and



water falls will enhance the beautification of the park and the same should be installed in the park. The Superintendent states that for the installation of these fountains and water falls, she has sufficient fund to invest out of the tickets sold by the garden. However, the approval is required from the Committee constituted by the Hon'ble High Court in PIL No.51055 of 2014 Madhu Singh Vs. State of U.P. Let the Superintendent, Garden place this project before the Committee at an earliest so that the work may start at an earliest.

So far as the restoration and beautification of water body near Gate No. 1, which is lying abandoned at present, Shri Gudakesh Sharma Additional Secretary of PDA states that he has gone through the report where this issue has been discussed, in detail. He submitted that new Vice Chairman Shri T.K. Sibb has joined the PDA. He may be allowed some time to discuss the matter with the new V.C. and come back to the Committee with some positive and substantive proposals within 15 days.

The Superintendent, Garden has pointed out that there is a big encroachment in front of gate of Hanumat Niketan temple at the crossing point of Goswami Tulsi Das Chauraha. This encroachment is restricting movement of the vehicles and also creating jam at the crossing. In this view of the matter, it is necessary to remove this encroachment immediately. Shri Gudakesh Sharma states that he will look into the matter and do the needful. It may be mentioned here that in the Writ Petition / PIL No.51055 of 2014, Madhu Singh Vs. State of U.P., the Hon'ble High Court has categorically directed the PDA, Nagar Nigam and the administrative authorities to remove the encroachments inside the park as well as outside the park.

The Committee is of the view that the alleged encroachment should immediately be removed in compliance of the Hon'ble High Court order. The District Magistrate, Nagar Ayukt, Nagar Nigam as well as the Vice Chairman, PDA are directed to look into the matter seriously and in compliance of the

High Court order, encroachment should be removed immediately. The necessary compliance report may be sent to the Committee within one month.

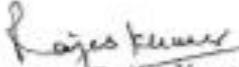
The Superintendent, Garden submitted that 03 (three) new toilets and Acupressure jogging track inside the Circle are under construction since several months and the aforesaid work has not yet been completed. The construction material is lying here and there which is causing difficulty in maintaining the lawn and cleanliness. She further submitted that at least 25 labours are residing inside the park. They are using the existing toilets in the early morning and evening in an undisciplined manner. In the result, the latrine parts of the toilets are either found to be dirty or sometimes they are broken also. Due to aforesaid reason, it has become difficult to keep the toilet clean and functional.

She submitted that these labours are directed to be removed from the premises. They are the labours of the contractor engaged by PDA. Shri Gudakesh Sharma, Additional Secretary, PDA states that due to the financial crisis the project could not be completed. However, he assured that the project shall be completed very soon within a period of one month. He also submitted that he may ask the contractor to settle the labours outside the premises of the park, except 02 (two) persons, if they are needed, who will be allowed to settle inside the premises meanwhile. He submitted that in case if these labours do not leave the premises themselves within a week, it will be open to the Garden Superintendent to remove them forcefully.

The Superintendent, Garden further states that the jogging track of red colour was the project of PDA. Its maintenance has also to be made by the PDA. The Committee has made a spot inspection of the jogging track. Prima facie, it appears that its construction is defective and not as per prescribed norms. The cushioning is negligible. At various places, its upper surface is peeled out. It is not at all serving the purpose of jogging track. The

Superintendent, Garden submitted that the maintenance of this track is upon PDA but the same is not being properly done.

The Committee directs the PDA to make an enquiry and if the construction of the jogging track is found to be defective, the necessary action may be taken against the contractor and the concerned engineer and the contractor may be asked to reconstruct or make it workable as a jogging track. We have been informed that huge amounts have been invested in the jogging track. The details of the same may be provided. We have been informed that some budget – about rupees two crores was also sanctioned light and sound music. The same has not yet been installed. Kindly inform where the budget has gone and what is the future programme in this regard.


(Justice/Rajes Kumar)
Chairman

Oversight Committee, NGT New Delhi

The minutes of meeting of Oversight Committee under Chairmanship of Hon'ble Justice (Retd.) Shri Rajes Kumar, Allahabad High Court held on dated 23.10.2019 at Circuit House, Prayagraj in compliance of Hon'ble NGT order dated 12.02.2019 in O.A. No. 670/2018, Atul Singh Chauhan vs. Ministry of Environment & Forests, Govt. of India and others.

The attendance sheet of committee Members and stakeholders is enclosed.

Mining of sand and its transportation in Prayagraj District:

The Mining Department, District Prayagraj has submitted the details of the 21 Pattas, giving the status as on the date. Perusal of the details furnished reveals that in some of the cases, the Hon'ble High Court has quashed the earlier order of the Authority and directed the Authority to pass the fresh order. It is stated that in such cases, the notices have already been issued by the competent authority and the appropriate order will be passed very soon. In some of the cases, the notices have already been issued to the persons whose Pattas have not been got registered. The final order shall be passed after hearing the concerned party. It has also been stated that in very few cases, matter is pending before the Hon'ble High Court. It is stated that in 03 (three) matters, there is an interim order of the Hon'ble High Court not to take coercive measures. In such cases, the Department is going to file the counter affidavit and will make effort to get the interim order vacated. The District Magistrate, Prayagraj states that all the matters are being expedited and the effort is to dispose of the matter expeditiously as early as possible. Since a huge revenue is involved in the matter, it is expected from the Authorities to take the final decision in the matter at an early date.

From the details submitted by the Mining Department, District Prayagraj it appears that the Authority has acted positively and has made a sincere effort

to check the illegal mining of sand, particularly from the river bed. Further, they are in a process to settle down the mining leases (Pattas) in accordance to the law so that there may not be any illegal mining as well as any revenue loss.

Mining of sand in Kaushambi District:

Shri R.P. Singh, Mine Officer, District Kaushambi is present. He submitted a Chart of 18 persons to whom the Patta has been allotted during the year 2018-19. The total allotment was to 18 persons. He has given the details that out 18 allotments, 08 allotments have been cancelled due to the non-deposit of the instalment. In the case of the remaining 10 cases, he has issued the recovery notices to the 09 (nine) defaulters. From the perusal of chart, it appears that recovery notices have been issued on 23/25.09.2019. Almost a month has lapsed but it appears that no coercive action has been taken. D.M. Kaushambi is directed to look into the matter. He may also inform that what step has been taken in those cases where the allotment has been cancelled. Provide the correct status.

Silica sand mining: It is informed that there are 83 silica sand washing plants in Shankargarh area, district Prayagraj, which is known as 'silica sand rich area'. It is stated that in pursuance of the order of the NGT, the survey was made at the site of 83 silica sand washing plants. Out of them, 12 silica sand washing plants were found in order, having permission from the U.P. Pollution Control Board and have registration with the various departments, namely, GST etc. for carrying on the business. In rest of the 71 cases, it was found that they were running the washing plants and purchasing silica sand without any clearance from U.P. Pollution Control Board and also did not possess any registration under the GST and other Acts. However, it was found that although the 12 washing plants have a tube well and are extracting ground water but do not have a licence from Central Ground Water Authority (CGWA). Another 71 washing plants, who have no registration under the GST and other Acts, do not



have a permission from CGWA. The officer of the U.P. Pollution Control Board states that 71 units do not possess any licence under the GST, Pollution Control etc. and accordingly such units (71 in number) have been sealed and rest of them i.e. 12 units were permitted to obtain registration under the CGWA. It is informed that the units found running without registration have been sealed and subjected to penalty/environmental compensation. However, it is admitted that the units have been sealed and penalty has been levied ex-parte.

It is further informed that some of the units have the mining Pattas and some of the units do not possess mining Pattas and are purchasing silica sand from the miners. R.O. U.P. Pollution Control Board is directed to give the complete details that how many mining leases have been granted and to whom and what is the current status of the units involved in the washing of the silica sand in the entire area of Shankargarh. The details may be provided within one month. Committee is of the view that the Units which have been sealed and penalty has been levied must be given opportunity (Post hearing) to put their cases.

A copy of these minutes may be provide to District Magistrate, Prayagraj, District Magistrate, Kaushambi, R.O. U.P. Pollution Control Board, Prayagraj/ Kaushambi.

Rajes Kumar
(Justice Rajes Kumar)
Chairman

Oversight Committee, NGT New Delhi

The minutes of meeting of Oversight Committee under Chairmanship of Hon'ble Justice (Retd.) Shri Rajes Kumar, Allahabad High Court held on dated 08.01.2020 at Circuit House, Prayagraj in compliance of Hon'ble NGT order dated 28.8.2018 in O.A. No. 164/2018, Ashwani Kumar Dubey vs. Union of India and others and order dated 12.02.2019 in O.A. No. 670/2018, Atul Singh Chauhan vs. Ministry of Environment & Forests, Govt. of India and others.

The attendance sheet of committee Members and stakeholders is enclosed.

Mining of sand in District Prayagraj: In respect of Patta Nos. 1, 2 and 6, it is informed that the Patta has been cancelled on account of non-payment of dues by the lease-holders. Against the order of the cancellation, the parties have gone to Hon'ble High Court in a writ petition wherein the order of the District Magistrate has been quashed on the ground that the notice has not been issued by the competent authority, in pursuance of which the impugned cancellation order was passed by the D.M. The Hon'ble High Court has further directed the District Magistrate to re-hear the matter. In pursuance thereof, the matter has been re-heard and vide order dated 30.12.2019 all the three Pattas have been cancelled. However, Shri Anjani Kumar, Senior Mines Officer states that till date, the recovery notice has not been issued to them. On a query being made that both the recovery proceeding and the proceeding for cancellation are two separate proceedings and when the amount was due why RC has not been issued in respect of the amounts due and why they have waited for the cancellation of the order, he submitted that under the Rules the recovery could only be issued on the cancellation of the lease, without cancellation of the lease the RC could not be issued. Since they are not having the Rules at present so the Rules could not be produced before the Committee. Therefore, this issue cannot be looked into and may be examined on the next date. However, the Committee directs the notice/RC within a period of one

18%, per annum, and this way the lease holder is liable to pay the amount due along with the interest @ 18%.

In respect of Patta No. 3 in favour of C.L. Gupta & Sons, he stated that although the bidder has deposited the earnest money but has not come forward to execute the lease deed and, therefore, the lease has not been finalised. The party has deposited 50% of the earnest money i.e. a sum Rs.4,18,40,000/-. He stated that C.L. Gupta & Sons has taken a lease at Semri, Bara for the period 27.02.2018 to 26.02.2023 and the present lease is for Bilore, Bara. He stated that C.L. Gupta & Sons is not interested in the execution of this lease deed and requested that his deposited money may be adjusted with the dues of another Patta at Semri, Bara. It is informed that the request of the party has been rejected. On a query being made whether the bid in favour of M/s. C.L. Gupta & Sons has been cancelled finally on account of non-execution of the lease deed, he submitted that no specific order has been passed in this regard and the matter is under consideration. The Committee is of the view that the Patta has been granted for the period 27.02.2018 to 26.02.2023. The Patta has not yet been settled. On account of non-settlement of Patta, the exchequer is suffering a substantial loss. In case if the final decision would have been taken much earlier and the proceeding for the re-settlement of the Patta could have been started, the revenue loss could be avoided. However, it is expected from the concerned authority to do the needful expeditiously, as early as possible, so that the Patta may be settled and the exchequer may start getting the revenue.

In respect of Patta No. 4, it is stated that this Patta at Semri, Bara has been allotted to M/s. C.L. Gupta & Sons for the period 27.02.2018 to 26.02.2023. It appears that the lease holder has not deposited the requisite amount and requested that the amount of Rs.4,18,40,000/- deposited against Patta No. 3 may be adjusted with the amount due. Shri Anjani Kumar, Senior Mines Officer stated that the District Magistrate has rejected such request. He further submitted that against the recovery and for the request of re-survey of the plot, the party has gone to the Hon'ble High Court in a Writ Petition No.22533 of 2019, which has been disposed of vide order dated 01.08.2019 with direction to the District Magistrate to decide the representation of the party. In view of the letter of the Director, Lucknow, the process of the survey is going on and on the receipt of the report the final order shall be passed. It is expected that the steps may be taken expeditiously. In the present case also, the Patta is for the period 27.02.2018 to 26.02.2023 and the money is outstanding against the party and no further amount has been deposited by the party, causing

revenue loss. Therefore, it is requested that the necessary final order may be passed expeditiously.

In respect of Patta No. 5 in favour of M/s. Friends Group of Builders & Developers, it is stated that the matter is pending before the Hon'ble High Court in the Writ Petition No.21372 of 2019, wherein an interim order has been passed for not taking any coercive measures. In this case, he stated that the counter affidavit has been filed.

In respect of Patta No. 7 in favour of M/s Smita Enterprises, it is stated that on account of non deposit of the money, the bid has been cancelled and the earnest money has been forfeited. Let the concerned department may re-auction the Khand and get it settled as early as possible.

In respect of Patta No. 8 in favour of M/s S.S. Brothers & Co., it is stated that the matter is pending before the Hon'ble High Court in the Writ Petition No.23928 of 2019, wherein an interim order has been passed for not taking any coercive measures. In this case also, he stated that the counter affidavit has been filed.

In respect of Patta No. 9 in favour of M/s. Sakshi Construction Company at Jagdishpur, Bara, he stated that the lease deed could not be executed for want of clearance from the environment. Clearance from the environment is pending before SEIAA. He stated that the lease will be executed on receipt of the clearance from the environment/SEIAA. In the present case also, the lease period is from 27.02.2018 to 26.02.2023. It is unfortunate that till date, the lease has not been finalised with the result the revenue is suffering. The Committee is not going into the question that the matter is pending since long and on whose part there is negligence or latches. Let the concerned department may make sincere efforts to get the matter expedited.

In respect of Patta No. 10 in favour of M/s.Shanti Constrution Company, Shri V.S. Dubey, ADM (Admn.) states that the matter has been decided by Director, Mines and the area of the Patta has been reduced. Now the office will proceed in compliance of the order and shall report the subsequent proceedings to this Committee.

In respect of Patta No. 11 in favour of Shri Udai Pratap Singh at Kanjasa, Bara, he stated that the matter is pending before the Hon'ble High Court.

In respect of Patta No. 12 in respect of Shri Ajay Lal at Dewaria, Bikar & Iradatganj, Bara, he stated that Government vide order dated 16.10.2019 has reduced the quantity of sand in view of the environment clearance and further directed in the matter that the amount deposited earlier shall be adjusted with the amount due. He submitted that the necessary action will be taken in accordance with the direction given by the government.

In respect of Patta No. 13 in favour of M/s Sakshi Construction Company at Palpur, Imiliya & Kalinjara, Karchhana, he stated that the matter is pending before the Hon'ble High Court.

In respect of Patta No. 14 in favour of Shri Surendra Kumar at Baswar, Karchhana, he stated that the matter is pending before the Hon'ble High Court.

In respect of Patta No. 15 in favour of M/s Vinay Kumar Shambhunath at Mohabbatganj, Karchhana, he stated that the lease deed could not be executed for want of clearance from the environment. Clearance from the environment is pending before SEIAA. He stated that the lease will be executed on receipt of the clearance from the environment/SEIAA. In the present case also, the lease period is from 27.02.2018 to 26.02.2023. It is unfortunate that till date, the lease has not been finalised with the result the revenue is suffering. The Committee is not going into the question that the matter is pending since long and on whose part there is negligence or latches. Let the concerned department may make sincere efforts to get the matter expedited.

In respect of Patta No. 16 in favour of M/S Raj Construction at Madauka, Mirakpur & Mahewapatti (Paschim), Karchhan, he stated that the lease deed could not be executed for want of clearance from the environment. Clearance from the environment is pending before SEIAA. He stated that since the party has taken another Patta and the lease has been cancelled, therefore the party has been blacklisted and in view of the Rules the blacklisted party cannot be allowed for any other lease. However, the necessary order is still awaited. It is expected from the authority concerned to pass the order expeditiously, preferably within a period of one month.

In respect of Patta No. 17 in favour of M/s Abhay Enterprises at Jahangirabad Madhopur Arail, Karchhana, it is stated that the matter is pending before the Hon'ble High Court in the Writ Petition No.23940 of 2019, wherein an interim order has been passed for not taking any coercive measures. In this case, he stated that action is being taken to file the counter affidavit.

In respect of Patta No.18 in favour of M/s. Manish Ojha Building Material Supplier & Contractor at Mainapur, Sadar, he stated that R.C. has been issued.

In respect of Patta No.19 in favour of M/s. Manish Ojha Building Material Supplier & Contractor at Asrawal Khur, Sadar, he stated that on account of non-deposit of the money the lease has been cancelled and the earnest money has been forfeited. Let the department may settle a fresh lease as early as possible.

In respect of Patta No. 20 in favour of M/s Laxmi Construction at Phulwa, Bisauna Jonhwal, Sadar, he stated that the lease deed could not be executed for want of clearance from the environment. Clearance from the environment is pending before SEIAA. He stated that the lease will be executed on receipt of the clearance from the environment/SEIAA. In the present case also, the lease period is from 27.02.2018 to 26.02.2023. It is unfortunate that till date, the lease has not been finalised with the result the revenue is suffering. The Committee is not going into the question that the matter is pending since long and on whose part there is negligence or laches. Let the concerned department may make sincere efforts to get the matter expedited.

In respect of Patta No. 21 in favour of Smt. Sunita Nishad at Adampur (Madaripur) to Sadiyapur, Sadar, it is stated that RC is pending. He stated that the Patta has been cancelled. Let the fresh Patta be re-settled as early as possible after following the proper procedure.

Mining of sand in District Kaushambi:

A detailed chart of the status of 21 Pattas has been given.

In respect of Pata Nos. 1, 2, 3 and 4 in favour of Rishab Herbal, Harsh Enterprises, Smt. Keshari Nandan Singh & Shri Manish Ojha, it is stated that they are allotted the Pattas and the parties have deposited the requisite amount and for the outstanding dues they have given the post dated cheques. Shri R.P. Singh, Mines Officer states their post dated cheques have been accepted on the instructions from the Directorate of Mines.

In respect of Patta No. 5 in favour of Bharat Earth Movers, he stated that for non-payment of the outstanding dues, the notice for the cancellation of the lease deed has been issued. The proceedings for the cancellation of the lease will be taken shortly. Let the proceedings may be concluded at an earliest.

In respect of Patta Nos. 6, 7, 8 and 9 in favour of Kunwar Infra-developers Pvt. Ltd., Sai Construction, M/s Balaji Coal Company & Sandip Enterprises, it is stated their Pattas have been cancelled by the Hon'ble NGT. The further proceeding for the recovery of the amount is offing and may likely to be concluded very soon.

In respect of Patta No. 10 in favour of Rajesh Enterprises, he stated that for non-payment of the outstanding dues, the notice for the cancellation of the lease deed has been issued. The proceedings for the cancellation of the lease will be taken shortly. Let the proceedings may be concluded at an earliest.

In respect of Patta No. 11 in favour of Sri Jaspal Singh, he stated that in pursuance of the order of the Hon'ble High Court dated 25.11.2019, notice has been issued for re-hearing. The matter is still pending. Let the matter be expedited at an earliest.

In respect of Patta Nos. 12, 13, 14, 15 and 16 in favour of Shri Sayyed Sahil, K.K. Associates, Shri Abdul Samad, Shrimani Gupta and Shri Rajesh Sharma, he stated that the original lease deed has been cancelled. Thereafter, the Patta has been put for re-auction. However, no bidder has come forward. It is stated that within a day or two, action for another publication for the re-auction and e-tender shall be taken.

In respect of Patta No. 17 in favour of M/s R.A. & Sons, he stated that for non-payment of the outstanding dues, the notice for the cancellation of the lease deed has been issued. The proceedings for the cancellation of the lease will be taken shortly. Let the proceedings may be concluded at an earliest.

In respect of Patta No. 18 in favour of Smt. Suketa Nishad, he stated that the Patta has been cancelled. However, the party has gone to the State Government in revision. The revisional authority has directed to re-hear the party.

In respect of Patta Nos. 19 and 20 in favour of M/s Bajrang Traders and Shri Shesh Narain Karwaria, he stated that these are recently settled Pattas, there is no outstanding dues against these two lease-holders.

Shri Atul Singh Chauhan, petitioner before the Hon'ble NGT made various submissions, namely, that the Patta has been made on the stream of the river and, therefore, the problem in the allotment had arisen and resulting in illegal mining and revenue loss. He submitted that the illegal mining by boats is

still going on. He produced some of the latest photographs in this regard. Mr. Atul Singh Chauhan files his written submission, in writing, including all the evidences to demonstrate that the illegal mining is still going on. Copy of the submissions may be served upon the concerned Shri Anjani Kumar, Senior Mines Officer, Prayagraj. He is directed to give reply to each and every objection within 07 (seven) days. He may look into the claim of the petitioner that illegal mining is still going on.

Shri Atul Singh Chauhan further states that sale of sand from seized stock is causing the illegal mining. He submitted that what is actually happening is that the seized stock of sand is being substituted by the illegally mined sand and the sand of the seized stock remains the same and in this regard large scale illegal activities are going on the part of the officers and traders. Let a details of stock seized and its disposal of such sand be provided within 10 (ten) days.

He submitted that direction be issued that the order of auction of such seized sand should be subject to the approval of the Director, Mines. This Committee cannot pass such order. If the petitioner desires, he can approach the Director, Mines in this regard.

Committee considered the submissions of Sri Atul Singh Chauhan. From the evidence on record and the report of the Director, it appears that prima facie there is an error in the survey, preparation of map and carving out the Pattas for mining, in water stream of the river 'Yamuna', which is not permissible in law. It requires a deep enquiry and if it is found true that the Patta has been carved out in water stream, the necessary strict action may be taken against the officer(s) concerned.

It appears that everything is not going on well in Prayagraj. Out of ~~54~~ Pattas which have been carved out, only 21 Pattas have been settled for mining for the period 27.02.2018 to 26.02.2023. The reasons behind non-settlement of other Pattas are not known. Even 21 Pattas which have been auctioned are not yet finalised, for the reasons stated above. Due to non-finalisation of Patta, the Government has suffered a huge loss of revenue, who shall be liable for revenue loss, is the matter of enquiry.

It appears that each and every stage action is very slow. Prima facie, it appears that no sincere efforts are being made to expedite the proceedings. The officers are not able to check the illegal mining. The illegal mining by the unauthorised person without holding the legal Patta and by the

unauthorised persons from the stream of the water is continuously going on, which is apparent from the photographs produced by Shri Atul Singh Chauhan. The process of recovery is very slow. Till date, no amount has been recovered in a recovery proceeding.

Shri Atul Singh Chauhan further submitted that hundred of trucks loaded with the sand are being transported without the proper Rawanna and in this regard everyday 24 hours monitoring are neither being done by the Mine officers nor by the Police officers. It appears that some kind of collusion is going on. Recently, in a raid by the District Magistrate and SSP hundreds of trucks loaded with illegally mined sand, which were being transported without Rawanna, were seized. The newspaper cutting is enclosed herewith.

Upon the material on record, the Committee is of the view that the officers who are responsible for checking the illegal mining and settling the Patta and expediting the proceedings are not acting bonafely, honestly and sincerely. The matter needs deep enquiry and the persons who are held responsible shall be punished.

In view of the above, the Committee advises that a deep enquiry may be made by fair and honest agency, if possible by C.B.I.

The situation of Kaushambi is also not good. The process of recovery is very slow. Till date, no amount has been recovered in a recovery proceeding. A deep enquiry is required to be made in case of Kaushambi also.

The next meeting will be held on 7th February, 2020 at Circuit House, Prayagraj at 11.00 AM.

Rajes Kumar
(Justice Rajes Kumar)
Chairman

Oversight Committee, NGT New Delhi

Annexure-5

Meeting No. _____

MINUTES OF MEETING OF THE OVERSIGHT COMMITTEE, NGT UP LUCKNOW,
HELD ON 29.01.2020 AT 11-00 A.M IN THE OFFICE OF THE COMMITTEE
(ENVIRONMENT DIRECTORATE, VINEET KHAND, GOMTI NAGAR, LUCKNOW)

Present: Hon'ble Mr Justice S.K. Singh, Chairman

Hon'ble Dr Anup Chandra Pandey, Member

Other dignitaries present:

1. Shri Anurag Yadav, Secretary, Urban Development, Govt of UP, 9415285554, E-mail secud18@gmail.com
2. Shri Ashok K. Tiwari, Chief Env Officer, UPPCB, Lucknow, 7839892014, E-mail: ceo1@uppcb.com
3. Shri Atulesh Yadav, EE, UPPCB, Lucknow, 7839895675, E-mail: ceo7@uppcb.com
4. Sri Manoj Pandey, Dy Secretary, UPSLSA, 9415342396, E-mail: upsla@up.nic.in

Meeting was held as scheduled.

Various issues as pointed out in the orders of Hon'ble National Green Tribunal dated 21.10.2019, passed in **OA No. 670/2018** in re: *Atul Singh Chauhan versus MoEFCC and others*, discussed and status of the action taken by the concerned authorities in compliance of the orders reviewed.

Pointwise decisions taken by the Committee in the matter are as follows:

SI No	Issues/points of discussion	Decisions taken by the Committee

1	Environment Monitoring Cell		It has been mentioned that so far no Environment Monitoring Cell has been set up in the office of Chief Secretary. It was directed that the same may be set up immediately and work be started.
2	Action Plans to be submitted by all the States to CPCB latest by 31.10.2018 and executed in the outer deadline of 31.12.2019 which were be overseen by the Principal Secretaries of Urban and Rural Development Departments of the State.		It is informed that Action plans, as directed by the Hon'ble NGT, have been submitted within the time stipulated.
3	The State should have Monitoring Committees headed by the Secretary, Urban Development Department with the Secretary of Environment Department as Members and CPCB and State Pollution Control Boards (SPCBs) assisting the Committees.		This has been done as per directions of Hon'ble NGT.
4	They should have interaction with the local bodies once in two weeks. Local bodies are to furnish their reports to State Committees twice a month.		It was mentioned that reports of meeting are uploaded on portal.

	The State Committees may take a call on technical and policy issues.		
5	Instead of every local body separately floating tenders, the standardized technical specifications be involved and adopted.		Collection and Transport standards are being involved and adopted.
6	Best practices may be adopted, including setting up of Control Rooms where citizens can upload photos of garbage which may be looked into by the specified representatives of local bodies, at local level as well as State level. It was directed that mechanism be evolved for citizens to receive and give information.		Setting up of Control Rooms, etc be ensured within the next three weeks and compliance report be submitted to the Committee.
7	CCTV cameras be installed at dumping sites.		It is assured that CCTV cameras will be installed at every dumping site within three months.
8	GPS be installed in garbage collection vans. This may be monitored appropriately.		This is being done. It is informed that installation of GPS in 17 Nagar Nigams would be completed by March, 2020.
9	Three model towns, three model villages and		So far as three model towns and three model villages are concerned, it was

	three model cities.		mentioned that the work has started in two model towns, namely, Newari and Burhana, where 100 percent collection, segregation and processing of MSW is taking place. The work of three model villages will be started very soon. As regards three model cities, the work has started in Mathura, Lucknow and Varanasi.
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As far as the portal is concerned, so far only blank formats have been uploaded on the portal. No data is available. It may be ensured that the data from all the districts in all the formats are uploaded in time.

Reports of District Level Committees under District Magistrates, District Level Committees under Commissioners and State Level Committees have not been uploaded. Let reports be immediately uploaded and the directions of Hon'ble NGT contained in the order dated 10.01.2020 be complied.

Principal Secretary Housing, DRM (NR), Defence Estate Officer, Lucknow and Director MandiParishadbe requested to participate in the next meeting.

Let the decisions taken in the meeting as above be communicated to all concerned for compliance.

(Dr Anup Chandra Pandey)
Member, Oversight Committee

(Justice S.K.Singh)
Chairman, Oversight Committee

January 29, 2020

The minutes of meeting of Oversight Committee under Chairmanship of Hon'ble Justice (Retd.) Shri Rajes Kumar, Allahabad High Court held on dated 07.02.2020 at Circuit House, Prayagraj in compliance of Hon'ble NGT order dated 28.8.2018 in O.A. No. 164/2018, Ashwani Kumar Dubey vs. Union of India and others and order dated 12.02.2019 in O.A. No. 670/2018, Atul Singh Chauhan vs. Ministry of Environment & Forests, Govt. of India and others.

The attendance sheet of committee Members and stakeholders is enclosed.

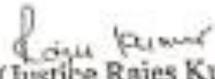
Mining of sand in District Kaushambi: Mine Officer submitted a chart giving detail of 20 Pattas, wherein he has given the detail of the amount recovered and the future amount recoverable. He stated that this report has also been given to the Director, Mines. He further submitted that in cases where there was re-auction, no bidder had come forward. On an enquiry being made why the bidders had not come, he replied that due to bad quality of sand the bidders are not coming forward. Let the Mine Officer may inform this fact to the Director, Mines to get the necessary order from the Director, Mines for further action.

Mining of sand in District Prayagraj: Shri Anjani Kumar, Senior Mines Officer stated that he may be allowed one week's more time to give the reply to the petition filed by the petitioner (Shri Atul Singh Chauhan, petitioner before the Hon'ble NGT). Verbally he stated that various actions have been taken to stop the illegal mining with the help of the police. Shri Ashutosh Mishra, S.P. (Crimes) states that to check the illegal mining and the transportation the sand, number of F.I.Rs. have been lodged and Charge sheets have also been submitted. He has produced the details of such action taken by the police. A copy of the details has been provided to Shri Anjani Kumar to consider and refer the same in his reply. The District Magistrate states that very serious actions have been taken to check the illegal mining with the help of the police. SSP, Prayagraj himself has made the spot inspection and seized the vehicles as well as the F.I.Rs. have been lodged. Recently, he has also taken the action against his own constable. He submitted that they are trying their best to check

the illegal mining. He further submitted that unless the stock of the stacked sand is removed, it would be difficult to check the illegal mining. However, he is trying his best to get the stacked sand removed from the places where they are stacked. He is hopeful to get it expedited.

Shri Atul Singh Chauhan, the petitioner states that the main problem is in the Baswar area where even today the huge illegal mining is going on by the operation of the JCB and Boats particularly in the night. Shri Anjani Kumar, Senior Mines Officer states that no illegal mining is going on by JCB or by boat. He himself inspected the area and did not find any illegal mining operation. However, the District Magistrate assured that he will look into the matter himself and assured that if any illegal mining is going on, he will get the same stopped. He stated that he will talk with the Senior Superintendent of Police for the establishment of a Police Chauki in the Baswar area for this purpose.

From the various actions taken and the reports submitted, the Committee is satisfied that a lot of effort has been made by the officers concerned to check the illegal mining and for the settlement of the mining Pattas. Committee hopes and expects that mine officers shall discharge their duties more effectively on the principle of Zero tolerance. District Magistrate is requested to make a surprise check along with the Senior Superintendent of Police in the Baswar area, whether any illegal mining is going on and, if it is so, the stringent action may be taken against those persons involved in illegal mining.


(Justice Rajes Kumar)
Chairman

Oversight Committee, NGT New Delhi

Meeting No. _____

**MINUTES OF MEETING OF THE OVERSIGHT COMMITTEE, NGT UP LUCKNOW,
HELD ON 02.03.2020 AT 11-00 A.M IN THE OFFICE OF THE COMMITTEE
(ENVIRONMENT DIRECTORATE, VINEET KHAND, GOMTI NAGAR, LUCKNOW)**

**Present: Hon'ble Mr Justice S.K.Singh, Chairman
Hon'ble Dr Anup Chandra Pandey, Member**

Other dignitaries present:

1. ShriAnuragYadav, Secretary, Urban Development, Govt of UP, 9415285554, E-mail secud18@gmail.com
2. ShriAshishTiwari, Member Secretary, UPPCB, Lucknow.

Meeting was held as scheduled.

We discussed and considered the compliance of the order dated 21.10.2019, passed in **OA No. 670 of 2018** in re: Atul Singh Chauhan *versus* Ministry of Environment, Forest and Climate Change and others.

Pointwise decisions/proposals taken by the Committee are as follows:

Sl. No.	Points of Discussion	Decision taken by the committee
1.	Provision for office chambers and Secretariat for Chairman and Members of the Oversight Committee.	Hon'ble NGT vide order dated 21.10.2019 had directed the State Government to provide Secretariat of the Oversight Committee in the premises of Directorate of Environment, Government of UP alongwith Conference Room etc. Member Secretary, UPPCB informs that first floor of the building of Directorate of Environment was earmarked for the office accommodation of Oversight Committee in the previous year, but due to financial constraints, its furnishing and repair could not be completed. He further informs that some budget has now been sanctioned and work has been allotted to C&DS and the concerned

		<p>constructing agency has been directed to complete the work before the end of this financial year. Director-cum-Member Secretary, UPPCB shall ensure that furnishing and repair work, as required, is complete by the end of this financial year, subject to availability of rest of the funds.</p> <p>Provisionally the State Government has provided accommodation on the ground floor for chambers and office of the Oversight Committee with furniture and computers etc.</p>
2.	Working hours, holidays and other service conditions and disciplinary provisions for the officers/staff	<p>Hon'ble NGT has constituted the Oversight Committee to comply with the orders passed by it from time to time. Member Secretary, UPPCB has suggested that the working hours, working days and holidays as are applicable in the State Government should be adopted and made applicable for the office of Oversight Committee. We resolve accordingly subject to the condition that PPS shall ensure monitoring of office work, if required, even in holidays till the appointment/engagement of Administrative Officer to run the office of Committee, as per orders of Hon'ble NGT.</p>
3.	Engagement of Member Technical	<p>Member Technical has not been engaged till date. Direction of Hon'ble NGT was to engage a 'technical' member in consultation with the Chief Secretary, Uttar Pradesh. 'Consultation' includes active discussion, exchange of views, active participation, positive assertion and preparation of panel in concurrence with all. Chief Secretary, UP was previously informed but it is intimated that due to pre-engagement in administrative work, he was unable to attend the meeting. Member Secretary, UPPCB may prepare a panel of names as per eligibility criteria after discussion with Chief Secretary,</p>

		<p>UP and submit the same to the Committee. After that, Chief Secretary, UP is requested to participate in the meeting on the date, time and place suitable to him so that the matter may be finalised as early as possible for proper and smooth functioning of the Committee. We resolve accordingly.</p>
4.	Engagement of support Professionals/ Senior Research Fellows and other staff for each Committee Member as per orders of Hon NGT	<p>UPPCB has provided one SRF from the field of Environment, namely, Ms Urvashi Sharma. Two more candidates Dr Dhananjay Kumar and Dr Namita Gupta were interviewed for engagement as SRF from the field of Environment and found suitable for the job. It was suggested by Member Secretary, UPPCB that both Dr Dhananjay Kumar and Dr Namita Gupta be also engaged for proper functioning of the Committee. We resolve accordingly.</p>
5.	Secretarial staff, which will include Accountant, Administrative Officer and other office staff as per order laid at point No. B	<p>Some of the staff has been provided by the UPPCB. For rest of the staff, it has been assured by Member Secretary, UPPCB that the same would be provided as per requirement of the Committee.</p> <p>ShriLaxmiNarainSoni (for short, L.N.Soni), who retired as Joint Registrar/PS in Allahabad High Court, attached with many Senior Judges of the Court, had also experience of working as PPS with Mr Justice DP Singh, Chairman of previous Monitoring Committee, has been engaged provisionally as Principal Private Secretary to Chairman. He is working as such since 08.11.2019. Similarly, ShriAdeshNarainBajpai (for short, A.N.Bajpai), who retired as Joint PPS/JointRegistrar-cum-PS from Allahabad High Court and worked with so many Senior Judges of the Court, has been provisionally engaged as PPS to Member Committee since 30.01.2020. They both have been engaged provisionally for proper functioning of Oversight Committee.</p>

		<p>We are of the view that in view of working experience of ShriL.N.Soni and ShriA.N.Bajpai as above and having regard to fact that compliance of the orders of Hon'ble NGT is to be ensured and reports are to be submitted to Hon NGT in time, their engagement as PPS is expedient. We accordingly resolve that they should be engaged to work with the Oversight Committee.</p> <p>So far as remuneration/honorarium to be paid to both the PPS is concerned, ShriL.N.Soni informed that they should be paid fixed amount of Rs.75000/- per month, as was being paid to him during the tenure of previous Monitoring Committee, headed by Mr Justice DP Singh, but we don't find it justifiable and are of the view that both the PPS should be paid remuneration/honorarium, as is paid to retired Government servants i.e. last pay drawn minus pension + DA and other admissible allowances, as agreed by Secretary, Urban Development and Member Secretary, UPPCB. This being the policy of State Government, we resolve accordingly.</p> <p>Engagement of one PPS for Member Technical will be considered later on at appropriate time.</p> <p>As regards the engagement of an Accountant and Administrative Officer, Member Secretary, UPPCB has informed that the matter has been referred to the State Government. However, in the meantime, Member Secretary, UPPCB shall ensure to provide adequate staff to look after urgent work of the Committee.</p>
6.	Logistic support to Oversight Committee	Logistic support is being provided to Oversight Committee. Member Secretary, UPPCB states that in case of further need, logistic support as required will be provided to the Committee immediately.

7.	Dress code and Identity card for officers working in Oversight Committee.	Considered. Resolved that the officers/officials working in Oversight Committee should come in suitable formal attire.
8.	Requirement of computer expert for creating web portal & uploading required information.	It is informed that one official has been engaged as computer expert for creating web portal and uploading required information of the Committee and he is already working.
9.	Any other point with the permission of Chair, which may be necessary for compliance of the orders of Hon NGT.	Decisions taken by the Committee on points as enumerated below, are as under:
(a)	Arrangement of Proper Internet Connection and Wi-Fi facility.	We are informed that steps for making suitable arrangement of internet connection and Wi-Fi facility are being taken.
(b)	Arrangement of Desktops, Printer, Scanner Furniture & other suitable working facilities for the staff.	It is informed that desktops, etc as per demand made by the Committee have already been provided. We have considered the fact that some more SRFs are to be engaged in future and in order to ensure timely preparation of reports by the Committee, some more desktops with printers or connectivity of two desktops with one printer would be required. Member Secretary, UPPCB assures that in case of further requirement of desktops etc., the same will be provided.
(c)	Initiation of Internship programme in the field of Law and Environment Pollution.	The Committee is of the view that for technical work, some internship programme in the field of law and environment pollution should be initiated and applications from students doing

		<p>research work in the field of environment/environmental law should be invited to provide them an opportunity to do internship and for that, they should apply in the format attached. Secretary, Urban Development and Member Secretary, UPPCB are also of the same view. Member Secretary, UPPCB informs that publication in this regard in Hindi and English Dailies of wide circulation has been made.</p> <p>We resolve accordingly.</p>
(d)	Ancillary matters, if any.	<p>(i) We are of the view that details of furniture and computer etc, which have been provided to Oversight Committee should be maintained in Stock Register. We accordingly resolve that PPS to Chairman and PPS to Member Administration will direct one of the officials working under them to prepare Stock Register and made relevant entries with regard to each and every item provided to Oversight Committee serialwise. A list of such items be also prepared separately and sent to the office of UPPCB.</p> <p>(ii) We are also of the view that supervision of the work of officials working in the Committee should be ensured. ShriL.N.Soni and ShriA.N.Bajpai will supervise the work and ensure the punctuality of the officials, sanction leave and report the matter to the Committee in case of any misconduct.</p> <p>(iii) It is suggested that minimum eligibility criteria and remuneration/honorarium, which is applicable to MTS, Office Assistant, JRF/SRF and Support Professionals from the field of Law, which is applicable in NGT, should be made applicable to the office of Oversight Committee. In this regard, notifications dated 23.09.2019, 10.01.2020 and 22.01.2020 have</p>

		<p>been brought to our notice, which are available in website of NGT, annexed herewith as Annexures A, B and C. Secretary, Urban Development states that similar eligibility criteria are also applicable in the State of UP with regard to MTS.</p> <p>The work of the Oversight Committee is to download the orders of Hon'ble NGT, send them to the authorities concerned, call for the reports from the State authorities, ROs of UPPCB, CPCB etc, compile datas and after that prepare a draft on the direction of the Committee to submit final reports to Hon'ble NGT. The work of the officials of Oversight Committee cannot be compared with skilled or unskilled workers of a factory or labourers/workers of brick kiln who are engaged only to count the bricks or load and upload them in trucks or take measurement of weight, etc. Work of officials of the Committee and work of Government officials should not be compared with the work of factory workers governed by labour laws. In light of above facts, we are of the view that minimum eligibility criteria and remuneration as applicable in NGT with regard to MTS, support professionals from the field of law and environment, provisionally should be similar as provided in Annexures A, B and C (also available in the website of NGT). We hope and trust that Member Secretary, UPPCB may find out a practical solution of all things mentioned above as early as possible.</p> <p>We resolve accordingly.</p>
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Let the decisions/resolutions of Oversight Committee as above be sent to Chief Secretary, UP Government and Member Secretary, UPPCB for perusal and necessary action.

(Dr Anup Chandra Pandey)
Member, Oversight Committee

(Justice S.K.Singh)
Chairman, Oversight Committee

March 02, 2020

Annexure- 8

**MINUTES OF MEETING OF NGT OVERSIGHT COMMITTEE, UP LUCKNOW NGT HELD ON 18.06.2020
AT 11-00 A.M (ORGANISED WITH THE HELP OF NIC)
THROUGH VIDEO-CONFERENCING**

Present: Hon'ble Mr Justice SVS Rathore, Chairman, and Dr Anup Chandra Pandey, Member

Other dignitaries present:

1. ShriDeveshChaturvedi, Additional Chief Secretary, Govt of UP
2. ShriAshishTiwari, Member Secretary, UPPCB
3. Dr DK Soni, CPCB, Lucknow
4. Shri Anil Kumar Sharma, Chief Mining Officer
5. ShriAnjani Kumar Singh, Mining Officer, Allahabad
6. ShriMushtaq, Addl Project Manager, NMCG

Meeting was held as scheduled.

This meeting is held today to review the position of remedial action against sand mining in river Yamuna at Prayagraj and follow up directions given by Hon NGT in **OA No. 670/2018** in re:*Atul Singh Chauhan versus Govt of UP*.

Since this is the first meeting of this Oversight Committee, before we review the details we would like to recapitulate the legal framework of the case.

Applicant Atul Singh Chauhan had approached the Hon NGT with the contention that lot of irregularities were taking place in mining in river Yamuna at Prayagraj (Allahabad). His contention was that the mining was allowed prior to preparation of District Survey Report (DSR). He contended that it was being done in an unscientific way, in stream mining was resorted to. Mining was being done upto 4 to 6 meter deep using Pokland Machine. Mining was done without taking EIA clearance in violation of Supreme Court Judgment in *Deepak Kumar vs State of Haryana & others, (2012) 4 SCC 629*. 400 to 500 trucks of sand were daily moving out transporting sand instead of permissible limit of 125 trucks. These trucks were carrying a load of 12 to 20 cubic meters instead of permissible limit of 6 cubic meters. Mining was being done in utter violation of orders passed by Hon'ble NGT in the cases of Sudarshan Das vs. MoEF, Mustakimvs State of UP and SatyendraPandey vs. Govt of India.

Hon NGT constituted a Joint Committee under the Chairmanship of Commissioner, Prayagraj on Sept 20, 2018. The Committee while sending its report to Hon NGT acknowledged that illegal sand

mining was going on in that area. Hon NGT on Feb 12, 2019 formed a Monitoring Committee under Chairmanship of Justice Rajes Kumar to examine the entire matter and send its report to Hon NGT. On May 09, 2019, Hon NGT examined the report of the Monitoring Committee. The Monitoring Committee in its report dated March 29, 2019 mentioned that illegal sand mining was going on in river Yamuna at Prayagraj. They came out with the following suggestions to remedy the situation:

1. CCTV Cameras should be installed at mining points to verify the amount of sand extracted.
2. Regular patrolling should be done by the police to inspect the mining operations.
3. Daily reports regarding mining should be sent to the District Magistrate.
4. In case of any irregularity, FIR should be lodged.
5. The District Magistrate and the Superintendent of Police should carry out surprise checks.

Hon NGT reiterated the order dated January 10, 2019 whereby it had ordered that every vehicle carrying illegal sand should be confiscated and it should not be released without recovery of 50% of showroom price. This order has been affirmed by Hon'ble Supreme Court on May 07, 2019. Besides confiscation, environmental compensation should be levied against illegal mining which should be based on net present value of the cost of damage to environment alongwith the cost of restoration of environment as well as cost of illegally mined material.

Hon NGT vide order dated July 04, 2019 examined the reports of Monitoring Committee dated 19.06.2019, 28.06.2019 and 02.07.2019. It directed removal of JCBs and other machines from the mining areas in river Yamuna. It also reiterated earlier directions of installing CCTV cameras, patrolling, surprise inspections and daily reports from the District Magistrate. Hon NGT on Feb 28, 2020 directed that there would be a single Oversight Committee (this Committee), which would be monitoring all environmental cases, which hitherto were monitored by separate committees. It examined the Monitoring Committee's report dated Nov 02, 2019 wherein it was mentioned that in Allahabad (now Prayagraj), out of 83 silica sand washing plants, only 12 had permission from UP Pollution Control Board. These 12 silica sand washing plants were using tube-wells for washing without getting permission from Central Ground Water Authority. UPPCB had been asked by the Monitoring Committee to seal these plants and invoke environmental compensation on them. The Monitoring Committee had asked to give them an opportunity of hearing before taking final decision.

Hon NGT also mentioned that directions given in order dated 04.09.2019 in **OA No. 173/2018** in re:*Sudarshan Das versus State of West Bengal and others*, order dated 26.04.2019 passed in **OA**

No. 44/2016 in re: *Mushtakeem versus MoEF&CC and others* and order dated 13.09.2018 passed in **OA No. 186/2016** in re: *Satendra Pandey versus MoEF&CC and another*, must also be followed in the State of UP. The operative portion of these three orders is reproduced as follows:

OA No. 173/2018 in re: *Sudarshan Das versus State of West Bengal and others*, **Order dated 04.09.2019**:

“29. Apart from above, in view of the grave and alarming situation and gross failure on the part of the authorities in the concerned districts in both the States of Odisha and West Bengal and to prevent illegal and unscientific sand mining in the areas in question, we deem it essential to issue following directions:-

(i) The State of West Bengal and Odisha may demarcate the boundaries for regulating grant of sand mining lease within three months from today. No mining lease of minor minerals may be given in the area in question till demarcation is complete. All existing mining operations in those areas shall remain suspended till demarcation work is completed and attains finality. To carry out the demarcation, the Chief Secretaries of the two States may constitute a team of three suitable officers each within two weeks. The said teams may hold their first meeting within one month.

(ii) The States of West Bengal and Odisha must ensure that mining in all sand mining blocks is undertaken strictly in accordance with the provisions of EIA Notification, 2006, MoEF Notification dated 15th January, 2016 and the Sustainable Sand Mining Management Guidelines, 2016. They must also ensure that no sand mining is permitted without due compliance of Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981 as well as regulations governing clearances by the Central Ground Water Authority. The District Administration must be held accountable for any failure.

(iii) District Magistrates and Superintendents of Police, Balasore district in Odisha and Paschim Medinipur, West Bengal, respectively, shall seize all sump pumps, other machinery, tools, vehicles, etc. used for carrying out illegal sand mining.

(iv) Apart from instituting appropriate criminal proceedings against those carrying out illegal mining, exemplary penalty shall be imposed against them by the concerned District Magistrates within three months from today to cover the cost of restoration of environment and to compensate the victims.

(v) The Chief Secretaries of the two States shall also get prepared jointly a detailed restoration plan for river Subarnarekha and its river beds for which a Committee of experts shall be constituted from independent institutions, i.e., the CPCB, Indian School of Mines, Dhanbad and the respective State Pollution Control Boards as members. Such constitution may take place within one month.

(vi) The Expert Committee shall carry out detailed study and submit the restoration plan, as far as may be practicable, within three months after its constitution.

(vii) The Committee shall also get the assessment done through Indian Council of Forestry Research and Education, Dehradun of the ecological damage on account of illegal mining by incorporating the following components:

(a) Cost of river bed material.

(b) Cost of ecological restoration.

(c) Net present value of the future ecosystem services foregone.

(viii) The above steps may be facilitated by the Regional Office of the CPCB as nodal officer, by coordinating with the Chief Secretaries of the two States.

(ix) The damage suffered by the inhabitants caused by the illegal mining may also be assessed by the above Committee, which shall form a separate component of the Restoration Plan for river Subarnarekha as per direction No. (v) above. Cost of restoration plan shall be recovered as environmental compensation from the illegal miners, to be identified by the District Magistrate. The component of the compensation in respect of damages suffered by the inhabitants may be credited with District Legal Services Authority. The District Legal Services Authority may disburse the same to the victims of illegal mining, after proper identification."

OA No. 44/2016 in re: MushtakeemvsMoEF& CC and others, Order dated 26.07.2019:

"20. It is made clear that pending further reports, the States must apply the compensation regime as per principles specified in paragraph 56 of order dated 05.04.2019."

"56. Similar criteria may have to be taken into account for arriving at an approximate scale of compensation. The compensation is to include not only the full value of the illegally mined material but also cost of restoration of environment as well as cost of ecological services foregone forever. It should be deterrent so as not to render such illegal activity profitable. In

Sudarsan Das Vs. State of West Bengal & Ors. (Supra), it was held that full value of the material, the cost of restoration and the NPV should form part of the compensation to be recovered. There has also to be action against the polluters and the erring officers. The vehicles or any other equipment used for illegal mining are required to be confiscated and to be released only on payment of atleast 50% of the showroom value as laid down in *Original Application No.110(THC)/2012, Threat to life arising out of coal mining in South Garo Hills District v. State of Meghalaya & Ors.* This scale can then apply for all States, as far as possible.”

OA No. 186/2016 in re:SatendraPandeyvsMoEF& CC and another, **Order dated 13.09.2018:**

“22. For all these reasons, we direct that the procedure laid down in the impugned Notification be brought in consonance and in accord with the directions passed in the case of *Deepak Kumar (supra)* by (i) providing for EIA, EMP and therefore, Public Consultation for all areas from 5 to 25 ha falling under Category B-2 at par with Category B-1 by SEAC/ SIEAA as well as for cluster situation wherever it is not provided; (ii) Form-1M be made more comprehensive for areas of 0 to 5 ha by dispensing with the requirement for Public Consultation to be evaluated by SEAC for recommendation of grant EC by SEIAA instead of DEAC/DEIAA; (iii) if a cluster or an individual lease size exceeds 5 ha the EIA/EMP be made applicable in the process of grant of prior environmental clearance; (iv) EIA and/or EMP be prepared for the entire cluster in terms of recommendation (supra) of the Guidelines for the purpose of recommendations 6, 7 and 8 thereof; (v) revise the procedure to also incorporate procedure with respect to annual rate of replenishment and timeframe for replenishment after mining closure in an area; (vi) the MoEF&CC to prepare guidelines for calculation of the cost of restitution of damage caused to mined-out areas along with the Net Present Value of Ecological Services forgone because of illegal or unscientific mining.”

Various issues involved in the matter were reviewed and discussed. Point-wise decisions taken by the Committee in the matter are detailed herein under:

S No.	Issues/ points of discussion	Current status and decision
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<p>Report regarding District Prayagraj.</p> <p>Recovery of damages for illegal mining and coercive measures against the vehicle involved in illegal sand mining.</p>	<p>Chief Mining Officer informed the Committee that in the entire State, at the places where sand mining is going on, weigh- bridges have been constructed and CCTV cameras have been installed to check illegal sand mining and its transportation. This has been incorporated in the rule.</p> <p>So far confiscation of vehicles is concerned, it was informed by the Chief Mining Officer that under the Mines and Minerals (Development and Regulation) Act, 1957 (for short, MMDR Act), the competent authority is the court of Chief Judicial Magistrate for lodging complaints. In the complaints, orders of the Hon'ble NGT are referred to. Confiscated vehicles are released by the court of Chief Judicial Magistrate concerned after obtaining an affidavit and trial continues in due course. This is a practice in Prayagraj, but in other districts too, the same procedure is being adopted.</p> <p>On query being made that when the orders of Hon'ble NGT in this regard have been confirmed by Hon'ble Supreme Court, then why the Chief Judicial Magistrate is releasing the confiscated vehicles on affidavit and</p>
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whether the Chief Judicial Magistrate is made aware of the above confirmation by Hon'ble Supreme Court on 7th May, 2019 and even thereafter if confiscated vehicles are being released without payment of penalty, whether appeals are being preferred, the Chief Mining Officer replied that so far no appeal has been preferred, but they will do it now.

Shri Ashish Tiwari, Member Secretary, UPPCB informed that the penalty regime has now been amended by Hon'ble NGT vide order dated 28.02.2020 passed in OA No. 670/2018 to the following effect:

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

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

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

It was further informed that the above penalty regime would be applicable for the offence committed for the first time but in case of repetition, penalty regime as provided in the order of Hon'ble NGT dated

		<p><i>10th January, 2019 would be applicable. In the said order of Hon NGT, it was directed that the State Government has to amend the rules and the confiscating officer is to be designated in consonance with amendments made in Forest Act/Rules and the amount so collected is to be remitted to State PCB/PCCs for being utilised for restoration of environment. The Hon'ble NGT had further directed that the above compensation regime will be over and above any existing rules or provisions.</i></p> <p><i>Let the State Government issue an appropriate Office Order/Rule to this effect in accordance with the spirit of orders of Hon'ble NGT referred to hereinabove by incorporating State Amendment.</i></p> <p>The Committee was informed by Shri Anjani Kumar Singh, Mining Officer, Prayagraj that there are 2 running pattas i.e. Ganga (working) and Yamuna (suspended from 04.06.2020). Both the mining areas have CCTV cameras. There were 21 pattas earlier, but at present only two pattas are there, out of which one patta relating to Ganga is in running condition and the other one, which relates to Yamuna, is suspended on account of non-payment of royalty. Tender were advertised but due to lockdown, tender process could not</p>
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		<p>be completed. He further informed that till date 14 FIRs have been lodged illegal sand mining. However, no penalty has been realised so far from illegalminers.</p> <p>Let the District Magistrate, Prayagraj submit a detailed report within a week in regard to steps taken against illegal sand miners, vehicles confiscated, penalty imposed/realised, action taken against accountable officers, surprise inspections made so far by District Magistrate and Senior Superintendent of Police and daily reports submitted by the district administration to the Head Office atLucknow.</p> <p>The Committee directed to check illegal mining by all means. CPCB was directed to provide assistance in calculating the EC in compliance with the directions of HonNGT.</p> <p>Shri SN Singh, EPD informed that illegal sand mining is going on in large scale in Kanpur Dehat area, AugasiGhat in Fatehpur, Chitrakoot and Kaushambi.</p> <p>The Chief Mining Officer was directed to get an inspection made against illegal sand mining in the aforesaid areas and submit a detailed report. He shall ensure that no mining is permitted to be done in violation of the provisions of MMDR Act and rules</p>
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		<p>framed thereunder and suitable action is taken against wrong-doers.</p> <p><i>ShriAshishTiwari, Member Secretary, UPPCB suggested for issuing direction to CPCB to make standard formula for compensation instead of different compensation regimes presently in vogue.</i></p>
2	Best practices (setting up of control rooms)	<p>The Committee has been informed by Chief Mining Officer that</p> <p>Command Centre has been established at Lucknow.</p>
3	Installation of GPS	<p>The Chief Mining Officer informed that process for installing GPS in vehicles is in progress.</p>
4	Environmental compensation	<p>The Committee suggested that EC is taken as per recommendations made by Hon'ble NGT on the report submitted by the Committee headed by Mr Justice RajesKumar.</p>
5	License from UPPCB and CGWA (83 Silica Sand Mining Plants)	<p>ShriAshishTiwari, Member Secretary, UPPCB informed that out of 83 Silica Sand Mining Plants which were identified, only 04 have permission from UPPCB. Rest plants were sealed for want of permission on the basis of inspection done by a committee on 16.06.2020 and EC was imposed. District Magistrate has issued recovery certificate for realisation of the same.</p>

		The Committee directed that Silica Sand Mining Plants be made viable after obtaining environment clearance from UPPCB.
6	Other items:	Department of Irrigation was directed to submit a report regarding illegal mining of minor minerals in irrigation channels.

Sd/-
(Dr Anup Chandra Pandey).
Member, Oversight Committee

Sd/-
(Justice SVS Rathore)
Chairman, Oversight Committee

June 18, 2020

Environmental Monitoring Cell

उत्तर प्रदेश शासन
पर्यावरण, वन एवं जलवायु परिवर्तन अनुभाग-7
संख्या- N-C-T-234 / 81-7-2020-01(रिट)/2019
लखनऊ : दिनांक : 05 जून, 2020

कार्यालय ज्ञाप

माननीय राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा ओ०ए० सं०-606/2018 Compliance of Municipal Solid Waste Management Rules, 2016 में पारित आदेश दिनांक 10.01.2020 द्वारा मुख्य सचिव के कार्यालय हेतु "Environment Monitoring Cell" की स्थापना हेतु निर्गत निर्देशों का सुसंगत अंश निम्नवत् है-

36" f. An 'Environment Monitoring Cell' may be set up in the office of Chief Secretaries of all the States/UTs within one month from today, if not already done for coordination and compliance of above directions which will be the responsibility of the Chief Secretaries of the States/UTs."

2- मा० अधिकरण द्वारा विभिन्न प्रकरणों में पारित निर्देशों के अनुपालन में पर्यावरण, वन एवं जलवायु परिवर्तन विभाग, उ०प्र० शासन के कार्यालय ज्ञाप संख्या-15/2019/एन०जी०टी०-259/55-पर्या-2-2019-44(रिट)/2016, दिनांक 14.06.2019, संख्या-14/2019/एन०जी०टी०-258/55-पर्या-2-2019-44(रिट)/2016, दिनांक 14.06.2019, संख्या-16/2019/एन०जी०टी०-260/55-पर्या-2-2019-44(रिट)/2016, दिनांक 14.06.2019 तथा संख्या-17/2019/एन०जी०टी०-261/55-पर्या-2-2019-44(रिट)/2016, दिनांक 14.06.2019 द्वारा राज्य स्तर पर अनुश्रवण की प्रक्रिया के अन्तर्गत विषयवार 04 राज्य स्तरीय अनुश्रवण समितियां निम्नवत् गठित की गयी हैं :-

क्र०सं०	समिति का नाम	कार्यक्षेत्र	समिति के अध्यक्ष/पर्यवेक्षक
i.	इम्प्लीमेंटेशन कमेटी	गंगा नदी में नदी जल संरक्षण एवं प्रदूषण नियंत्रण संबंधी कार्यों का अनुश्रवण	अपर मुख्य सचिव/प्रमुख सचिव, पर्यावरण, वन एवं जलवायु परिवर्तन विभाग
ii.	रिवर रिजुविनेशन कमेटी	गंगा नदी की समस्त सहायक नदियों में नदी जल संरक्षण एवं प्रदूषण नियंत्रण संबंधी कार्यों का अनुश्रवण	कृषि उत्पादन आयुक्त
iii.	एयर क्वालिटी मॉनिटरिंग कमेटी	प्रदेश में वायु प्रदूषण के प्रभावी नियंत्रण, पर्यावरण संरक्षण एवं परिवेशीय वायु गुणत मानकों के अनुरूप सुनिश्चित कराए जाने हेतु कार्यों की प्रगति का अनुश्रवण	अपर मुख्य सचिव/प्रमुख सचिव, पर्यावरण, वन एवं जलवायु परिवर्तन विभाग
iv.	राज्य स्तरीय अपशिष्ट प्रबंधन अनुश्रवण समिति	समस्त प्रकार के अपशिष्ट यथा ठोस अपशिष्ट, प्लास्टिक अपशिष्ट, ई-वेस्ट, परिसंकटमय अपशिष्ट एवं कंस्ट्रक्शन एण्ड डिमॉलिसन अपशिष्ट के निबन्धानुसार सुरक्षित निस्तारण किये जाने की स्थिति का अनुश्रवण	अपर मुख्य सचिव/प्रमुख सचिव, नगर विकास विभाग

3- "Environment Monitoring Cell" का गठन :-

माननीय अधिकरण के उपरोक्त निर्देशों के अनुपालन में मुख्य सचिव, उ०प्र० शासन के कार्यालय हेतु "Environment Monitoring Cell" के दायित्वों के निर्वहन के लिए उ०प्र० राज्य में स्थापित राज्य स्तरीय अनुश्रवण समितियों के प्रतिनिधियों को सम्मिलित

करते हुए "राज्य स्तरीय अनुश्रवण उप समिति" तत्काल प्रभाव से निम्नानुसार गठित की जाती है-

- 1- अध्यक्ष, इम्प्लीमेंटेशन कमेटी द्वारा नामित प्रतिनिधि।
- 2- अध्यक्ष, राज्य स्तरीय अपशिष्ट प्रबन्धन अनुश्रवण समिति द्वारा नामित प्रतिनिधि।
- 3- अध्यक्ष, रिक्टर रिजुविनेशन कमेटी द्वारा नामित प्रतिनिधि।
- 4- सदस्य सचिव, उ०प्र० प्रदूषण नियंत्रण बोर्ड/सदस्य समन्वयक, ऐयर क्वालिटी मॉनिटरिंग कमेटी - संयोजक

4- "Environment Monitoring Cell" के दायित्व :-

- 1- मा० राष्ट्रीय हरित अधिकरण में विचाराधीन ऐसे समस्त प्रकरण जिनमें मुख्य सचिव, उ०प्र० शासन के लिए अनुपालन/अनुश्रवण हेतु निर्देश जारी हों, में आगामी कार्यवाही की तिथि प्रदर्शित करते हुए सूचीबद्ध किया जाना।
- 2- मा० राष्ट्रीय हरित अधिकरण में विचाराधीन ऐसे समस्त प्रकरण जिनमें मुख्य सचिव, उ०प्र० शासन के लिए अनुपालन/अनुश्रवण हेतु निर्देश जारी हों, में माननीय अधिकरण के निर्देशों को विभागावार संकलित करते हुए मुख्य सचिव, उ०प्र० शासन की ओर से सम्बन्धित विभागों को निर्देश प्रेषित कराये जाने हेतु आलेख्य तैयार कर प्रस्तुत करना।
- 3- ऐसे प्रकरण जिनमें मा० अधिकरण द्वारा मुख्य सचिव, उ०प्र० शासन के लिए अनुपालन आख्या प्रस्तुत किये जाने के निर्देश दिये गये हों, में मुख्य सचिव कार्यालय को सुनवाई की तिथि अथवा अनुपालन हेतु निर्धारित तिथि से कम से कम 15 दिन पूर्व अवगत कराते हुए संबंधित विभागों से अनुपालन आख्या प्राप्त कर एवं उसका परीक्षण कर मुख्य सचिव, उ०प्र० शासन के समक्ष प्रस्तुत करना।
- 4- पर्यावरण, वन एवं जलवायु परिवर्तन विभाग, उ०प्र० शासन के कार्यालय ज्ञान सं०-13/2019/एन०जी०टी०-257/55-पर्या-2-2019-44(रिट)/2016, दिनांक 14.06.2019 के माध्यम से पर्यावरण संरक्षण एवं प्रदूषण नियंत्रण हेतु स्थापित त्रिस्तरीय अनुश्रवण तंत्र के अंतर्गत राज्य स्तरीय समितियों की बैठकों से प्राप्त अनुपालन रिपोर्टों का सारांश तथा मुख्य सचिव, उ०प्र० शासन स्तर पर माह के अंतिम सप्ताह में समीक्षा बैठक आयोजित किये जाने हेतु एजेण्डा तैयार कर मुख्य सचिव, उ०प्र० शासन के समक्ष प्रस्तुत करना।
- 5- U.P. Environment Compliance Portal (www.upecp.com) के माध्यम से जिला स्तर एवं संबंधित विभाग स्तर द्वारा किये गये अनुपालन की स्थिति का अनुश्रवण करना।
- 6- उक्त सेल का कार्यालय उ०प्र० प्रदूषण नियंत्रण बोर्ड मुख्यालय, टी०सी०-12वीं, विभूति खण्ड, गोमती नगर, लखनऊ में होगा।
- 7- उक्त सेल द्वारा सम्पादित किये जाने वाले उपरोक्त कार्यों का नियमित अनुश्रवण प्रमुख सचिव, पर्यावरण, वन एवं जलवायु परिवर्तन विभाग द्वारा किया जायेगा।

मुख्य सचिव, उ०प्र० शासन के कार्यालय हेतु "Environment Monitoring Cell" के गठन लिए गठित "राज्य स्तरीय अनुश्रवण उप समिति" द्वारा मा० अधिकरण के निर्देशों के अनुपालन में अपेक्षित अनुपालन की स्थिति, वांछित कार्यवाही तथा सुनवाई हेतु

- 3 -

निर्धारित तिथियों की सूचना सदस्य सचिव, उ०प्र० प्रदूषण नियंत्रण बोर्ड द्वारा प्रमुख सचिव, पर्यावरण, वन एवं जलवायु परिवर्तन विभाग के माध्यम से प्रस्तुत की जायेगी।

राजेन्द्र कुमार तिवारी
मुख्य सचिव।

संख्या-N(JT-237(1)/81-7-2020-01(रिट)/2019, तददिनांक।

प्रतिलिपि—निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

1. अध्यक्ष, रिवर रिजुविनेशन कमेटी (कृषि उत्पादन आयुक्त, उ०प्र० शासन)।
2. अध्यक्ष, इम्प्लीमेंटेशन कमेटी (प्रमुख सचिव, पर्यावरण, वन एवं जलवायु परिवर्तन विभाग, उ०प्र० शासन)।
3. अध्यक्ष, एअर क्वालिटी मॉनिटरिंग कमेटी (प्रमुख सचिव, पर्यावरण, वन एवं जलवायु परिवर्तन विभाग, उ०प्र० शासन)।
4. अध्यक्ष, राज्य स्तरीय अपशिष्ट प्रबन्धन अनुभवण समिति (प्रमुख सचिव, नगर विकास विभाग, उ०प्र० शासन)।
5. प्रमुख स्टाफ ऑफिसर, मुख्य सचिव, उ०प्र० शासन।
6. सदस्य सचिव, उ०प्र० प्रदूषण नियंत्रण बोर्ड, लखनऊ।
7. गार्ड फाइल।

आज्ञा से,

(संजय सिंह)
सचिव।

प्रेषक,

ज्येष्ठ खान अधिकारी,
प्रयागराज।

सेवा में,

मा0 अजयस
ओवर साईट कमेटी
मा0 राष्ट्रीय हरित अधिकरण।

पत्रांक: 562 /खनिज/2020-21

दिनांक 16/06/2020

विषय: मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ0ए0 नम्बर-670/2018 में
नठित ओवर साईट समिति की बैठक दिनांक 07.02.2020 में दिये गये निर्देशों के
अनुपालन के सम्बन्ध में।

महोदय,

कृपया उपर्युक्त विषयक ओवर साईट कमेटी की बैठक दिनांक 07.02.2020 में दिये
गये निर्देश जिसके द्वारा श्री अतुल सिंह चौहान द्वारा प्रस्तुत पिटिशन पर उत्तर दाखिल
करने के निर्देश दिये गये हैं, का सन्दर्भ ग्रहण करने का कष्ट करें। दिये गये निर्देश के
क्रम में श्री अतुल सिंह चौहान द्वारा प्रस्तुत पिटिशन पर प्रस्तरवार आख्या पत्र के साथ
संलग्न कर प्रेषित की जा रही है।

कृपया प्रस्तरवार आख्या के आधार पर पिटिशन को निरस्त करने की कृपा करें।
संलग्नक-उपरोक्तानुसार।

भवदीय

(अंजनी कुमार सिंह)
ज्येष्ठ खान अधिकारी
प्रयागराज।

पत्रांक: /खनिज/2020-21 तददिनांक।

प्रतिलिपि-निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु सादर प्रेषित:-

1. निदेशक, भूतत्व एवं खनिकर्म निदेशालय, उ0प्र0 लखनऊ।
2. जिलाधिकारी, प्रयागराज।

(अंजनी कुमार सिंह)
ज्येष्ठ खान अधिकारी
प्रयागराज।

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
NEW DELHI**

REPORT

(In pursuance of the order dated 12.02.2019 of the Hon'ble NGT)

IN RE:

O.A. No. 670 of 2018 (L.A. No.22 of 2019)

(Atul Singh Chauhan Vs. Ministry of Environment, Forest and Climate Changes & Others)

Several meetings have been held in compliance of the order of the Hon'ble NGT. The details of the meetings are, as follows:

15th March, 2019
20th April, 2019
11th June, 2019
3rd July, 2019
12th September, 2019
23rd October, 2019
08th January, 2020
07th February, 2020

Copy of all the minutes of the meetings have already been sent by e-mail along with the photographs and the newspaper reporting.

Undoubtedly, strict action has been recorded in the minutes of the meetings. The Mining authorities and the Police department, which were initially not working effectively, have started taking steps to check the illegal mining. No doubt, these authorities are able to check the illegal mining more than 50%. However, due to the long standing rackets and operation of Mafias, it cannot be said authoritatively that illegal mining is stopped 100%. However, the effort of the Committee is going on and the Committee is hopeful that on the regular monitoring, the Committee may be

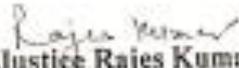
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able to check more illegal mining and with the help of the District Magistrate and the Senior Superintendent of Police, Prayagraj may be able to burst the racket and check the Mafias in the operation of illegal mining.

Several Pattas have been cancelled due to non-deposit of the dues. The fresh notification has been issued to re-settle such 19 Pattas and the proceedings are undertaken to recover the outstanding dues.

Date: 07.02.2020


(Justice Rajes Kumar)
Chairman of the Oversight Committee
NGT, New Delhi

मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ0ए0 नम्बर-670/2018 में गठित ओवर साईट समिति की बैठक दिनांक 07.02.2020 में दिये गये निर्देशों के अनुपालन के सम्बन्ध में।

ओवर साईट कमेटी की बैठक दिनांक 07.02.2020 में दिये गये निर्देश जिराके द्वारा श्री अतुल सिंह चौहान द्वारा प्रस्तुत पिटिशन पर उत्तर दाखिल करने के निर्देश दिये गये हैं, के क्रम में श्री अतुल सिंह चौहान द्वारा प्रस्तुत पिटिशन पर प्रस्तरवार आख्या निम्नानुसार प्रस्तुत है:-

प्रस्तर-1- जनपद प्रयागराज के विभिन्न नदियों (यमुना, गंगा, बेलन, टोन्स) में अवैध पट्टों का आकंटन।

उत्तर-जनपद प्रयागराज में जिलाधिकारी, प्रयागराज के आदेश से नदी तल में स्थित बालू क्षेत्रों का 09 सदस्यीय अन्तर विभागीय समिति का गठन कराकर सर्वेक्षण कराया गया है। सर्वेक्षण के उपरान्त जिन क्षेत्रों में समिति की आख्यानुसार नदी की जलधारा के बाहर बालू उपलब्ध है, उन रिक्त क्षेत्रों को ही ई-निविदा सह ई-नीलामी के माध्यम से परिहार पर दिये जाने हेतु कार्यवाही की जा रही है। जनपद प्रयागराज का जिला सर्वेक्षण रिपोर्ट (डी0एस0आर0) भारत सरकार के पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय द्वारा दिये गये दिशा निर्देशों के अन्तर्गत तैयार किया गया है। अतः आपत्ति निराधार है।

प्रस्तर-2- जनपद प्रयागराज के विभिन्न नदियों (यमुना, गंगा, बेलन, टोन्स) में अवैध खनन व भण्डारण के सम्बन्ध में।

उत्तर-जनपद प्रयागराज में जलधारा से नावों द्वारा अवैध खनन नहीं किया जा रहा है। यमुना नदी में जलधारा की वर्तमान स्थिति का फोटो आख्या के साथ संलग्न है।

अवैध रूप से भण्डारित बालू को जब्त कर मा0 न्यायालय से आदेश प्राप्त कर उनकी ई-टेण्डर के माध्यम से निस्तारण किया जाता है, जो कि शासन द्वारा दिये गये निर्देशों के अनुसार है। भण्डारित बालू के निकासी की अनुमति ई-टेण्डर के माध्यम से जिलाधिकारी द्वारा प्रदान की जाती है।

जहाँ कहीं भी खेतों में अवैध बालू का भण्डार पाया जाता है तो सम्बन्धित व्यक्ति एवं भूमिधरों के विरुद्ध थानों में प्रथम सूचना रिपोर्ट दर्ज करायी जाती है।

वर्ष 2020 में माह जनवरी, 2020 से 15, जून 2020 तक अवैध खनन/भण्डारण के विरुद्ध की गयी महत्वपूर्ण कार्यवाही का विवरण:-

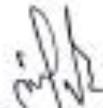
1. दिनांक 12.01.2020 को तहसील-करछना के ग्राम-झीहा गंगा नदी से अवैध खनन/परिवहन के उपरान्त पाये गये अवैध भण्डारण के विरुद्ध थाना-करछना में प्राथमिकी दर्ज करायी गयी थी।
2. दिनांक 16.02.2020 को तहसील-करछना के ग्राम-मझौका एवं मोहबतागंज, यमुना नदी से अवैध खनन/परिवहन के उपरान्त पाये गये अवैध भण्डारण के विरुद्ध थाना-गैनी में प्राथमिकी दर्ज करायी गयी थी।
3. दिनांक 02.03.2020 को तहसील-करछना के ग्राम-बसवार में यमुना नदी से अवैध खनन/परिवहन के उपरान्त पाये गये अवैध भण्डारण के विरुद्ध थाना-धूरपुर में प्राथमिकी दर्ज करायी गयी थी।

4. दिनांक 07.03.2020 को तहसील-सदर थाना क्षेत्र सिविल लाइन्स अन्तर्गत अवैध खनन/परिवहन के उपरान्त अवैध भण्डारण पाये जाने पर प्राथमिकी दर्ज करायी गयी थी।
5. दिनांक 17.04.2020 को तहसील-हण्डिया के ग्राम-कसौधन उर्फ लक्ष्मण में गंगा नदी से अवैध खनन/परिवहन के उपरान्त पाये गये अवैध भण्डारण के विरुद्ध थाना-हण्डिया में प्राथमिकी दर्ज करायी गयी थी।
6. दिनांक 25.04.2020 को तहसील-करछना के ग्राम-फालपुर व ग्राम-अभिलिया में यमुना नदी से अवैध खनन/परिवहन के उपरान्त पाये गये अवैध भण्डारण के विरुद्ध थाना-धूपपुर में प्राथमिकी दर्ज करायी गयी थी।
7. दिनांक 25.04.2020 को तहसील-करछना के ग्राम-बसवार में यमुना नदी से अवैध खनन/परिवहन के उपरान्त पाये गये अवैध भण्डारण के विरुद्ध थाना-धूपपुर में प्राथमिकी दर्ज करायी गयी थी।
8. दिनांक 03.06.2020 को तहसील-बारा के ग्राम-मझियारी आमद में यमुना नदी से अवैध खनन/परिवहन के विरुद्ध थाना-लालापुर में प्राथमिकी दर्ज करायी गयी थी।
9. दिनांक 11.05.2020 को तहसील-बारा के ग्राम-सेमरी व नोदिहा में यमुना नदी से अवैध खनन/परिवहन के विरुद्ध थाना-लालापुर में प्राथमिकी दर्ज करायी गयी थी।
10. दिनांक 27.05.2020 को तहसील-करछना के ग्राम-डीहा गंगा नदी से अवैध खनन/परिवहन के उपरान्त पाये गये अवैध भण्डारण के विरुद्ध थाना-करछना में प्राथमिकी दर्ज करायी गयी थी।
11. दिनांक 01.06.2020 को तहसील-करछना के ग्राम-बेनीपुर नदी से अवैध खनन/परिवहन के उपरान्त पाये गये अवैध भण्डारण के विरुद्ध थाना-कोँबियारा में प्राथमिकी दर्ज करायी गयी थी।
12. दिनांक 04.06.2020 को तहसील-फूलपुर अन्तर्गत ग्राम-लीलापुर कला व लीलापुर खुर्द में गंगा नदी से अवैध खनन/परिवहन के उपरान्त पाये गये अवैध भण्डारण के विरुद्ध थाना-सरायइनायत में प्राथमिकी दर्ज करायी गयी थी।
13. दिनांक 13.06.2020 को तहसील-करछना अन्तर्गत यू0पी0एस0आई0डी0सी0 में अवैध खनन/परिवहन के उपरान्त पाये गये अवैध भण्डारण के विरुद्ध थाना-औद्योगिक क्षेत्र में प्राथमिकी दर्ज करायी गयी थी।

प्रस्ताव-3-जनपद प्रयागराज के विभिन्न नदियों (यमुना, गंगा, बेतन, टोन्स) में अवैध खनन कर ओवरलोड अवैध परिवहन के सम्बन्ध में।

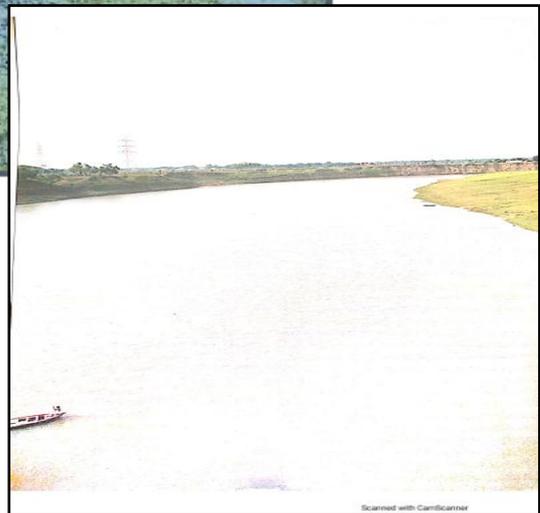
उत्तर-छापा मारकर अवैध खननकर्ताओं/परिवहनकर्ताओं के विरुद्ध निरन्तर कार्यवाही की जा रही है। निरन्तर परिवर्तन कार्यों के कारण ही नदी की जलधारा में अवैध खनन एवं उसका परिवहन पर अंकुश लगा है। प्रस्ताव-2 में दिये गये विवरण से स्पष्ट है कि अवैध खननकर्ताओं/भण्डारणकर्ताओं के विरुद्ध कठोर कार्यवाही की गयी है।

उपरोक्तानुसार प्रश्नगत पिटिशन निरस्त किये जाने योग्य है।


 (अंजनी कुमार सिंह)
 ज्येष्ठ खान अधिकारी
 प्रयागराज।



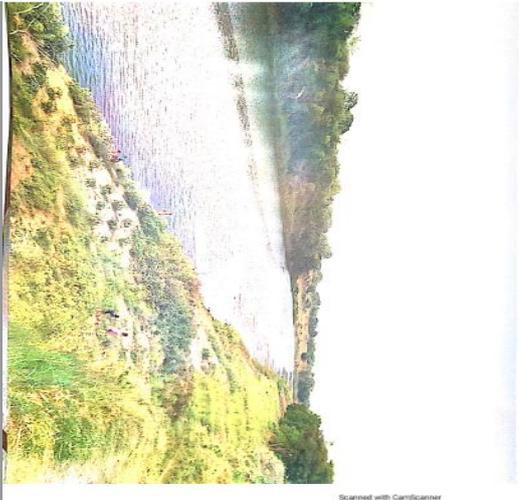
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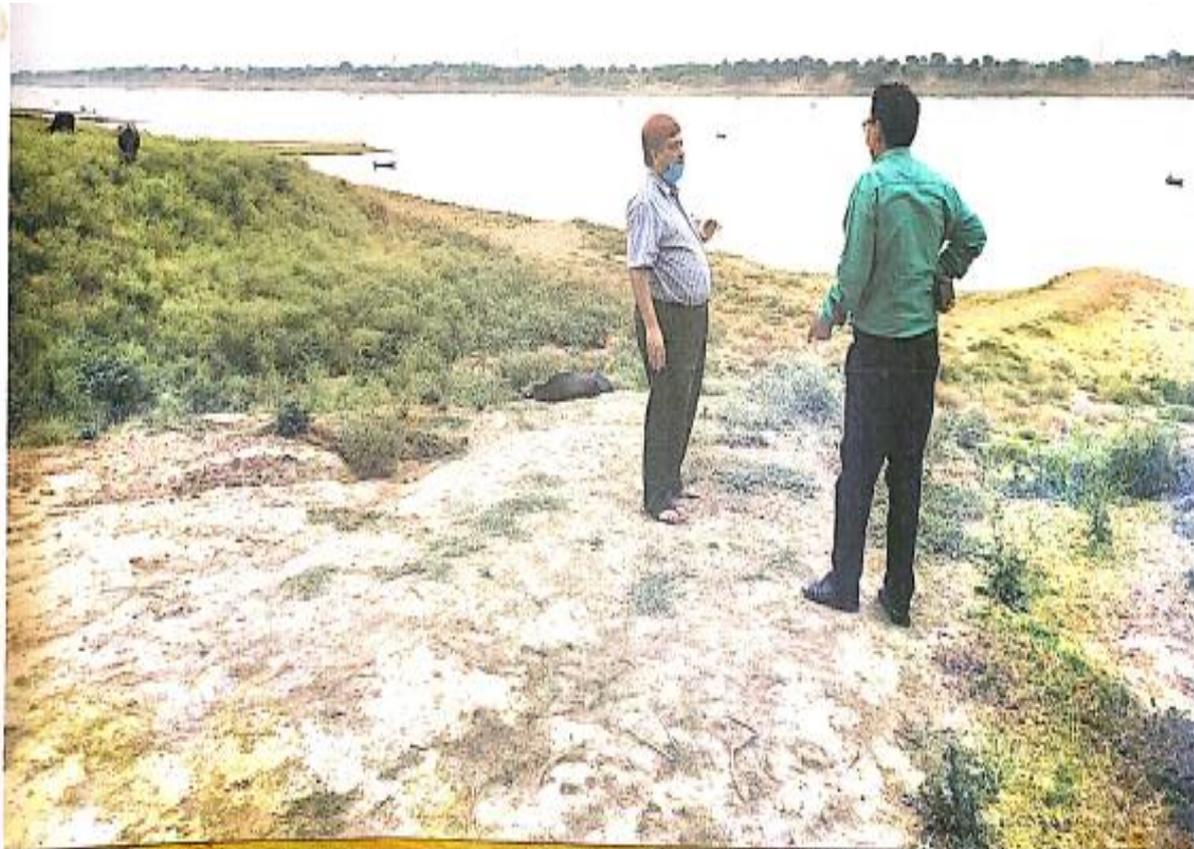


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मा0 राष्ट्रीय हरित अधिकरण में योजित ओ0ए0 संख्या-670/2018 में पारित आदेश के अनुपालन में गठित समिति की विडियों कांफ्रेंसिंग दिनांक 17.06.2020 से सम्बन्धित सूचना।

बिन्दु संख्या-1 The committee has directed to collect all the reports (such as meeting reports and compliance reports) regarding OA No. 670/2018 Till date no compliance report has been received. Present Status?

मा0 राष्ट्रीय हरित अधिकरण में योजित ओ0ए0 संख्या-670/2018 में पारित आदेश के अनुपालन में गठित समिति के बैठक की कार्यवृत्त, अनुपालन आख्या संलग्न है। (संलग्नक-1)

बिन्दु संख्या-2 Steps taken regarding recovery of damages for illegal mining and coercive action against the vehicles involved in illegal mining?

जनपद में अवैध खनन/परिवहन/भण्डारण के विरुद्ध वित्तीय वर्ष 2019-20 व 2020-21 में की गयी कार्यवाहियों का विवरण निम्नवत् है:-

वित्तीय वर्ष 2019-20

क्र0सं0	अवैध खनन के प्रकारण	अवैध भण्डारण के प्रकारण	दर्ज प्रथम सूचना रिपोर्ट की संख्या	अवैध परिवहन के प्रकारण	दर्ज परिवादों की संख्या
1	2	3	4	5	6
1	32	04	132	537	80

वित्तीय वर्ष 2020-21

(दिनांक 16.06.2020 तक)

क्र0सं0	अवैध खनन के प्रकारण	अवैध भण्डारण के प्रकारण	दर्ज प्रथम सूचना रिपोर्ट की संख्या	अवैध परिवहन के प्रकारण	दर्ज परिवादों की संख्या
1	2	3	4	5	6
1	02	09	11	87	90

बिन्दु संख्या-5 Hon'ble NGT had given a direction for recovery of damages for illegal mining and coercive action against the vehicles involved in illegal mining. Present Status?

अवगत कराना है कि अवैध खनन/परिवहन में पकड़े गये वाहनों के विरुद्ध विधिक कार्यवाही हेतु मा0 सक्षम न्यायालय के समक्ष वाद योजित करते समय मा0 न्यायालय को प्रत्येक वाद में निम्न स्थिति से अवगत कराया जाता है:-

"आई0ए0 नं0 22/2019 में Original Application No. 670/2018 Atul Singh Chauhan Vs. Ministry of Environment, Forests and Climate Change & Ors. में मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा पारित आदेश दिनांक 10.01.2019 का कार्यकारी अंश निम्नवत् है:-

In view of contents of the application personal appearance of the applicant is exempted on the next date subject to the requisite information being made available, particularly, with regard to taking steps for recovery of damages for the illegal mining and also for regulating the release of vehicles carrying illegally mined material on the pattern dealt with by this Tribunal vide order dated 04-01-2019 in Original Application No. 110 (THC) /2012, Threat to life arising out of coal

mining in south Garo Hills district Vs. State of Meghalaya & Ors. And other connected matters. It was held that such offending vehicle should be released only after recovery 50% (Fifty Percent) of the show room value of the vehicle in involved, Besides, the components of environmental compensation discussed therein include:

- Not present Value of the ecological services foregone.
- The cost of damage to environment and pristine ecology.
- The cost of illegal mined material, and
- The cost of mitigation and restoration.

यह कि मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली में चंजित आई0ए0 नं0-22/2019 में Original Application No. 670/2018 Atul Singh Chauhan Vs. Ministry of Environment, Forest and Climate Change & Ors. में अपने नवीन आदेश दिनांक 28.02.2020 द्वारा आदेश पारित किये गये हैं जिसके कार्यकारी अंश निम्नवत् है-

The seized vehicles may be dealt with as per order of this Tribunal as modified recently vide order dated 19.02.2020 in M.A. No. 16/2020 in Original Application No. 44/2016, Mushtakeem Vs. MoEF & CC & Ors. as follows:

Having regard to the above practical difficulty, we modify the orders dated 05.04.2019 and 26.07.2019 as follows:

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

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

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

वाहन स्वामी तथा वाहन चालक द्वारा अधिनियम-1967 की धारा-4/21 तथा नियमवली-1983 के नियम-3, 57, 70 का उल्लंघन किए जाने के कारण अभिदुक्त वाहन स्वामी व वाहन चालक के विरुद्ध उक्त अधिनियम परिवाद दायर किया जा रहा है।"

जनपद में अवैध खनन/परिवहन/भण्डारण में वित्तीय वर्ष 2019-20 व 2020-21 में की गयी कार्यवाहियों का विवरण निम्नवत् है:-

वित्तीय वर्ष 2019-20

क्र0सं0	अवैध खनन के प्रकारण	अवैध भण्डारण के प्रकारण	दर्ज प्रथम सूचना रिपोर्ट की संख्या	अवैध परिवहन के प्रकारण	दर्ज परिवादों की संख्या
1	2	3	4	5	6
1	32	04	132	537	80

वित्तीय वर्ष 2020-21

(दिनांक 16.06.2020 तक)

क्र0सं0	अवैध खनन के प्रकारण	अवैध भण्डारण के प्रकारण	दर्ज प्रथम सूचना रिपोर्ट की संख्या	अवैध परिवहन के प्रकारण	दर्ज परिवादों की संख्या
1	2	3	4	5	6
1	02	09	11	87	90

बिन्दु संख्या-7 Present Status of Action plan regarding Illegal mining?

उक्त के सम्बन्ध में निम्नानुसार अवगत कराना है कि:-

1. अवैध खनन/परिवहन/भण्डारण की रोकथाम हेतु जनपद स्तर व तहसील-स्तर पर टास्क फोर्स का गठन किया गया है। (संलग्नक-2) जनपद में नदी तल के 02 खनन क्षेत्र कार्यरत हैं, जिसमें से खण्ड संख्या-4 (ग्राम-सेमरी-यमुना नदी) में किश्त की धनराशि जमा न होने के कारण खनन कार्य रोक दिया गया है। खण्ड संख्या-34(मुहपारा, तन्दरिया व गोंडरी-गंगा नदी) में खनन कार्य हो रहा है। खनन क्षेत्र के निकासी मार्ग पर सी0सी0टी0वी0 कैमरा तथा वेब ब्रीज लगा है।
2. उपखनिज के क्षेत्रों को जियो-क्वार्टिनेट्स से चिन्हांकित किया गया है।
3. रिक्त खनन क्षेत्रों का व्यवस्थापन ई-निविदा सह ई-नीलामी प्रणाली के माध्यम से किया जा रहा है।
4. ई-प्रपत्र एम0एम0-11 की ऑनलाईन व्यवस्था प्रचलित है। कार्यदायी संस्था द्वारा प्रयुक्त किये गये उपखनिजों की मात्रा के सापेक्ष जमा परिवहन प्रपत्र ई-एम0एम011 का सत्यापन किये जाने हेतु पोर्टल बनाया गया है। कार्यदायी संस्था द्वारा परिवहन प्रपत्र ई-एम0एम0 11 के सत्यापन के उपरान्त ही विलों के भूगतान होने से बिना परिवहन प्रपत्र के उपखनिजों के परिवहन एवं अवैध खनन पर अंकुश लगा है।
5. बालू खनन क्षेत्रों में सी0सी0टी0वी0 कैमरा व तौल मशीन लगाने का नियमों में व्यवस्था है जिसके अनुपालन में बालू खनन क्षेत्रों में सी0सी0टी0वी0 कैमरा एवं तौल मशीन लगाया गया है।

स्वीकृत भण्डारण स्थलों पर सी0सी0टी0वी0 कैमरा स्थापित किया जाना सुनिश्चित किया जायेगा। वर्तमान में जनपद प्रयागराज में कोई भी भण्डारण लाइसेन्स स्वीकृत नहीं है।

वर्ष 2020 में माह जनवरी, 2020 से 15, जून 2020 तक अवैध खनन/भण्डारण के विरुद्ध की गयी महत्वपूर्ण कार्यवाही का विवरण:-

1. दिनांक 12.01.2020 को तहसील-करछना के ग्राम-डीहा गंगा नदी से अवैध खनन/परिवहन के उपरान्त पाये गये अवैध भण्डारण के विरुद्ध थाना-करछना में प्राथमिकी दर्ज करायी गयी थी।
2. दिनांक 16.02.2020 को तहसील-करछना के ग्राम-गड़ौका एवं मोहबतगंज, यमुना नदी से अवैध खनन/परिवहन के उपरान्त पाये गये अवैध भण्डारण के विरुद्ध थाना-नैनी में प्राथमिकी दर्ज करायी गयी थी।
3. दिनांक 02.03.2020 को तहसील-करछना के ग्राम-बसवार में यमुना नदी से अवैध खनन/परिवहन के उपरान्त पाये गये अवैध भण्डारण के विरुद्ध थाना-धूरपुर में प्राथमिकी दर्ज करायी गयी थी।
4. दिनांक 07.03.2020 को तहसील-सदर थाना क्षेत्र सिविल लाइन्स अन्तर्गत अवैध खनन/परिवहन के उपरान्त अवैध भण्डारण पाये जाने पर प्राथमिकी दर्ज करायी गयी थी।
5. दिनांक 17.04.2020 को तहसील-हण्डिया के ग्राम-कसौधन उर्फ लक्षागृह में गंगा नदी से अवैध खनन/परिवहन के उपरान्त पाये गये अवैध भण्डारण के विरुद्ध थाना-हण्डिया में प्राथमिकी दर्ज करायी गयी थी।

6. दिनांक 25.04.2020 को तहसील-करछना के ग्राम-पालपुर व ग्राम-अमिलिया में यमुना नदी से अवैध खनन/परिवहन के उपरान्त पाये गये अवैध भण्डारण के विरुद्ध थाना-घूरपुर में प्राथमिकी दर्ज करायी गयी थी।
7. दिनांक 25.04.2020 को तहसील-करछना के ग्राम-बसवार में यमुना नदी से अवैध खनन/परिवहन के उपरान्त पाये गये अवैध भण्डारण के विरुद्ध थाना-घूरपुर में प्राथमिकी दर्ज करायी गयी थी।
8. दिनांक 03.05.2020 को तहसील-बारा के ग्राम-भडियारी आमद में यमुना नदी से अवैध खनन/परिवहन के विरुद्ध थाना-तालापुर में प्राथमिकी दर्ज करायी गयी थी।
9. दिनांक 11.05.2020 को तहसील-बारा के ग्राम-सेगरी व नोडिहा में यमुना नदी से अवैध खनन/परिवहन के विरुद्ध थाना-तालापुर में प्राथमिकी दर्ज करायी गयी थी।
10. दिनांक 27.05.2020 को तहसील-करछना के ग्राम-डीहा गंगा नदी से अवैध खनन/परिवहन के उपरान्त पाये गये अवैध भण्डारण के विरुद्ध थाना-करछना में प्राथमिकी दर्ज करायी गयी थी।
11. दिनांक 01.06.2020 को तहसील-करछना के ग्राम-केरीपुर नदी से अवैध खनन/परिवहन के उपरान्त पाये गये अवैध भण्डारण के विरुद्ध थाना-कौपियारा में प्राथमिकी दर्ज करायी गयी थी।
12. दिनांक 04.06.2020 को तहसील-फूलपुर अन्तर्गत ग्राम-लीलापुर कला व लीलापुर खुर्द में गंगा नदी से अवैध खनन/परिवहन के उपरान्त पाये गये अवैध भण्डारण के विरुद्ध थाना-सराखंडनाकत में प्राथमिकी दर्ज करायी गयी थी।
13. दिनांक 13.06.2020 को तहसील-करछना अन्तर्गत यू०पी०एस०आई०डी०सी० में अवैध खनन/परिवहन के उपरान्त पाये गये अवैध भण्डारण के विरुद्ध थाना-औद्योगिक क्षेत्र में प्राथमिकी दर्ज करायी गयी थी।

बिन्दु संख्या-8 Present Status of Curbing of Illegal sand mining, transportation and storage in the State?

उक्त के सम्बन्ध में निम्नानुसार अवगत कराना है कि:-

1. अवैध खनन/परिवहन/भण्डारण की रोकथाम हेतु जनपद स्तर व तहसील-स्तर पर टास्क फोर्स का गठन किया गया है। खनन क्षेत्र के निकाली मार्ग पर सी०सी०टी०वी० कैमरा तथा वेब ड्रीज लगाने का प्राविधान है।
2. उपखनिज के क्षेत्रों को जियो-क्वार्टिनेट्स से चिन्हित किये जाने का प्राविधान नियमों में किया गया है।
3. उपखनिज परिवहन करने वाले वाहनों पर Vehicle tracking System व खनिज पोर्टल पर वाहनों का रजिस्ट्रेशन किया जा रहा है।
4. खनन क्षेत्रों का व्यवस्थापन ई-निविदा सह ई-नीलामी प्रणाली के माध्यम से किया जा रहा है।
5. ई-प्रपत्र एम०एम०-11 की आनलाईन व्यवस्था प्रचलित है। कार्यदायी संस्था द्वारा प्रयुक्त किये गये उपखनिजों की मात्रा के सापेक्ष जमा परिवहन प्रपत्र ई-एम०एम०-11 का सत्यापन किये जाने हेतु पोर्टल बनाया गया है। कार्यदायी संस्था द्वारा परिवहन प्रपत्र ई-एम०एम० 11 के सत्यापन के उपरान्त ही बिलों के भूगतान होने से बिना परिवहन प्रपत्र के उपखनिजों के परिवहन एवं अवैध खनन पर अंकुश लगा है।

6. बालू खनन क्षेत्रों में सी0सी0टी0वी0 कैमरा व तौल मशीन लगाने का नियमों में व्यवस्था है।
7. स्वीकृत भण्डारण स्थलों पर सी0सी0टी0वी0 कैमरा स्थापित किये जाने का प्राविधान किया गया है।

प्रेषक,

जिलाधिकारी
प्रयागराज।

सेवा में,

मा0 न्यायाधीश (सेवा निवृत्त) श्री राजेश कुमार
अध्यक्ष, ओवर साईट कमेटी,
(मा0 राष्ट्रीय हरित अधिकरण द्वारा
ओ0ए0 नं0-670/2018 में गठित समिति)
प्रयागराज।

पत्रांक: 1887/खनिज/2019-20

दिनांक 6/2/2020

विषय: ओवर साईट कमेटी, (मा0 राष्ट्रीय हरित अधिकरण द्वारा ओ0ए0 नं0-670/2018 में गठित समिति) की बैठक दिनांक 08.01.2020 के कार्यवृत्त के सम्बन्ध में।

महोदय,

कृपया उपर्युक्त समिति की बैठक दिनांक 08.01.2020 का सन्दर्भ ग्रहण करने का कष्ट करें, बैठक का कार्यवृत्त दिनांक 18.01.2020 को क्षेत्रीय कार्यालय, उ0प्र0, प्रदूषण नियंत्रण बोर्ड, प्रयागराज द्वारा निर्गत किया गया है। उक्त कार्यवृत्त के सम्बन्ध में निम्नवत् अवगत कराना है।

1. निदेशक, भूतत्व एवं खनिकर्म निदेशालय, उ0प्र0, लखनऊ के पत्र दिनांक 24.08.2019 द्वारा जनपद प्रयागराज में बालू के स्वीकृत खनन पट्टों के निरस्तीकरण की प्रत्याशा में खनन एवं परिवहन प्रतिबन्धित किया गया है।
2. निदेशक, भूतत्व एवं खनिकर्म निदेशालय, उ0प्र0, लखनऊ के पत्र दिनांक 14.08.2019 के क्रम में कार्यालय के पत्र संख्या-1058/ई-टेण्डर बालू/खनन/2019-20 दिनांक 24.09.2019 द्वारा 09 सदस्यीय प्राविधिक समिति का गठन कर साधारण बालू की उपलब्धता एवं खनन योग्य मात्रा का आंकलन करने के निर्देश दिये गये। समिति के सदस्यों द्वारा दिनांक 26.09.2019 को अवगत कराया गया कि बाढ़ आने के फलस्वरूप क्षेत्र जलमग्न होने के कारण वर्तमान में सत्यापन किया जाना सम्भव नहीं है। इसके उपरान्त मानसून सत्र की समाप्ति पर पुनः प्राविधिक समिति को जाँच कर आख्या उपलब्ध कराने के निर्देश दिये गये। प्राविधिक समिति द्वारा पुनः दिनांक 01-11-2019 को अवगत कराया है कि बाढ़ आने के फलस्वरूप क्षेत्र वर्तमान में जलमग्न है, जिसके कारण सत्यापन किया जाना सम्भव नहीं है। इस संबंध में अवगत कराना है कि वर्ष 2019 में भीषण बाढ़ आने के कारण क्षेत्र जलमग्न रहे हैं। इसके उपरान्त प्राविधिक समिति द्वारा अपनी जाँच आख्या दिनांक 06-01-2020 उपलब्ध करायी गयी, जिसके क्रम में नदी की जल धारा से बाहर (Exposed Area) में उपलब्ध बालू क्षेत्रों को ई-निविदा सह ई-नीलामी प्रणाली के माध्यम से परिहार पर दिये जाने हेतु कार्यालय पत्र दिनांक 23.01.2020 द्वारा विज्ञापित किया गया। इस प्रकार उक्त कार्यवाही कोई विलम्ब नहीं किया गया है।
3. मा0 राष्ट्रीय हरित अधिकरण द्वारा ओ0ए0 नं0-670/2018 में पारित आदेश दिनांक 04.07.2019 के बिन्दु संख्या-14 में निर्देशित है कि "The committees may function strictly within the scope of task assigned to them under the orders of this Tribunal." उक्त आदेश का उल्लेख मा0 राष्ट्रीय हरित अधिकरण के पारित आदेश दिनांक 21.10.2019 के बिन्दु संख्या-5(14) में भी किया गया है। इसके क्रम में ओवरसाइट कमेटी की बैठक दिनांक 08 जनवरी, 2020 में मेरे प्रतिनिधि के रूप में अपर जिलाधिकारी (प्रशासन) द्वारा यह अवगत भी कराया गया कि ससमय बालू खनन

- के पट्टे कराने की कार्यवाही नियमानुसार प्रक्रियाधीन है साथ ही, यह प्रकरण ओवरसाइट कमेटी का विचारणीय विषय भी नहीं है। इस समिति को अपने क्षेत्राधिकार से बाहर नहीं जाना चाहिए।
4. जनपद स्तर पर खनन क्षेत्रों के व्यवस्थापन हेतु निरन्तर कार्यवाही की जा रही है। अवैध खनन/परिवहन के सम्बन्ध में मा0 राष्ट्रीय हरित अधिकरण के आदेशों के क्रम में नदी की जलधारा से खनन एवं अवैध खनन/परिवहन पर प्रतिबन्ध लगाया गया है। अवैध खनन/परिवहन के विरुद्ध प्रभावी कार्यवाही/नियंत्रण हेतु कार्यालय के विभिन्न पत्रों एवं बैठकों के माध्यम से समस्त उप जिलाधिकारी/क्षेत्राधिकारी पुलिस को निर्देशित किया गया है। अर्द्ध शासकीय पत्रों के माध्यम से वरिष्ठ पुलिस अधीक्षक से भी मा0 राष्ट्रीय हरित अधिकरण के आदेशों का अक्षरशः अनुपालन कराये जाने की अपेक्षा की गयी है। इस तथ्य को भी समिति के सम्मत् रखा गया, परन्तु बैठक की कार्यवृत्त में इसका भी उल्लेख नहीं है।
 5. अवैध खनन/परिवहन के संबंध में गठित कार्यबल द्वारा समय-समय पर जाँच की जा रही है तथा अवैध खनन/परिवहन पाये जाने पर त्वरित कार्यवाही की जा रही है। प्रशासन द्वारा किसी भी व्यक्ति द्वारा अवैध खनन/परिवहन करते हुए पाये जाने पर यथाशीघ्र कार्यवाही की जा रही है। जनपद में वर्तमान वित्तीय वर्ष 2019-20 में माह जनवरी, 2020 तक 476 प्रकरण अवैध खनन/परिवहन के पकड़े गये हैं, जिसमें 125 प्रकरणों पर प्रधान सूचना रिपोर्ट दर्ज करायी गयी है तथा शेष प्रकरणों पर मा0 न्यायालयों में परिवाद/आख्या प्रस्तुत की गयी है। जिला प्रशासन अवैध खनन/परिवहन पर पूर्ण रोक हेतु प्रतिबद्ध है। अवैध खनन/परिवहन की शिकायत प्राप्त होते ही तत्काल कार्यवाही की जा रही है। इसका भी समिति की बैठक में उल्लेख नहीं किया गया है।
 6. मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली के उपर्युक्त सन्दर्भित आदेशों के उपरान्त भी सीपे गये कार्य के दायरे से बाहर जाकर कार्यवृत्त में खनन क्षेत्रों के नीलामी/ वसूली/राजस्व क्षति आदि के सम्बन्ध में संज्ञान लेते हुये उल्लेख किया गया है, जो मा0 राष्ट्रीय हरित अधिकरण के आदेश के उपरान्त पूर्णतया अनौचित्यपूर्ण है। इसे कार्यवृत्त से हटाया जाना चाहिए।
 7. कार्यवृत्त में कमेटी के सदस्यों के मन्तव्य/सहमति का उल्लेख किया गया है, जबकि प्रतीत हो रहा है कि कार्यवृत्त एक पक्षीय रूप से क्षेत्राधिकार से बाहर जाकर भ्रामक सूचनाओं के आधार पर निर्गत किया गया है। कार्यवृत्त के अनौचित्यपूर्ण एवं आपत्तिजनक होने के कारण अघोहस्ताक्षरी सहमत नहीं हैं।
- अवैध खनन परिवहन के सम्बन्ध में जनपद स्तर पर की गयी कार्यवाहियों का संज्ञान न लेकर एक पक्षीय रूप से भ्रामक सूचनाओं के आधार पर क्षेत्राधिकार से बाहर जाकर कमेटी के सदस्यों के मन्तव्य/सहमति का उल्लेख करते हुए कार्यवृत्त तैयार कर उसकी प्रति प्रेषित की गयी है, जिसके सम्बन्ध में घोर आपत्ति है। अतः अनुरोध है कि एक पक्षीय रूप से निर्गत कार्यवृत्त वापस लेने का कष्ट करें। साथ ही, यह भी निवेदन है कि भविष्य में समिति की बैठक से सम्बन्धित कार्यवृत्त समिति के सभी सदस्यों के संयुक्त हस्ताक्षर से ही निर्गत किये जाएं।

भवदीय,



(मानु चन्द्र गोस्वामी)

जिलाधिकारी, प्रयागराज।



ओ०ए० नं०-670 / 2018

अतुल सिंह चौहान बनाम पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार व अन्य

के मामले में

मा० राष्ट्रीय हरित अधिकरण (एन०जी०टी०), नई दिल्ली

द्वारा गठित

अनुश्रवण समिति

के

अध्यक्ष मा० न्यायमूर्ति श्री राजेश कुमार (से०नि०)

की अध्यक्षता में

दिनांक 11.06.2019 को

सर्किट हाउस, प्रयागराज

में सम्पन्न बैठक के कार्यवृत्त में दिये गये निर्देशों का

अनुपालन आख्या

दिनांक 03.07.2019

4070 नं०-670/2018 अतुल सिंह चौहान बनाम पर्यावरण, वन एवं जलवायु परिवर्तन विभाग, भारत सरकार व अन्य के मामले में वायु राष्ट्रीय हरित अधिकरण (एनएनटीओ), नई दिल्ली द्वारा गठित अनुभवण समिति के अध्यक्ष ना० न्यायभूर्ति श्री राजेश कुमार (से०नि०) की अध्यक्षता में दिनांक 15.03.2019 को सर्किट हाउस, प्रयागराज में सम्पन्न बैठक के कार्यपत्र में दिये गये निर्देशों का अनुपालन आख्या निम्नवत् है:-

1. निर्देश-CCTV of larger range be installed at the specific places, where the illegal mining is going on to monitor the illegal mining. Satellite pictures can also be taken to identify the places where illegal mining is going on.

अनुपालन आख्या-अधिसूचना/परिवहन से सम्बन्धित संवेदनशील स्थानों पर लम्बी दूरी तक वाले सीसीटीवी कैमरा लगाया जाय। सीसीटीवी कैमरा लगाने जाने का प्रस्ताव पर्यावरण वन संरक्षण-242/सनि०/टीओएनएफ/2019-20 दिनांक 15.05.2019 एवं अनुभवण पत्र दिनांक 25.04.2019 द्वारा सातवां को प्रेषित है। अधिक संवेदनशील स्थानों पर सीसीटीवी कैमरा लगाया जायेगा जो इन्फॉर्मेशन के साथ-साथ नॉटिफिकेशन की सुविधा के साथ होगा।

2. निर्देश-Regular patrolling of police squad be made on daily basis. Police party not only visit but also take photographs of each day particularly for the period between 8.00 Am to 6.00 Pm.

अनुपालन आख्या-पुलिस दलें बड़े निपटित पैट्रोलिंग करने के निर्देश पुलिस विभाग को दे दिये गये हैं।

3. निर्देश-S.H.O. of concerned Thana and concerned mine officer may give daily report and send photographs to R.O. U.P Pollution Control Board, Prayagraj and D.M. Prayagraj.

अनुपालन आख्या-निम्नलिखित रूप से जर्दीपरतत आवश्यक कार्यवाही हेतु पुलिस उपनिरीक्षक, क्षेत्राधिकारी एवं सम्बन्धित वन अधिकारी को निर्देश दे दिये गये हैं। निर्देशों की क्रमशः संलग्नक-1 है। समिति की बैठक दिनांक 15.03.2019 के अनुपालन में दिनांक 15.03.2019 से दिनांक 09.06.2019 तक प्रमुख नदी से संचालित बाजू के अथवा खान व परिवहन के निष्पन्न की गई कार्यवाही के अनुसार दिनांक 15.03.2019 से दिनांक 17.05.2019 तक अधिसूचना के 08 प्रकरणों में तथा अधिसूचना के 38 प्रकरणों में प्रस्ताव सूलना रिपोर्ट (एनएनटीओ) एवं कार्यवाही हेतु दिनांक 18.05.2019 से दिनांक 02.08.2019 तक अधिसूचना के 14 प्रकरणों में 14 एनएनटीओ तथा अधिसूचना के 29 प्रकरणों में 29 एनएनटीओ अर्थात् कुल 43 प्रकरणों में 47 एनएनटीओ एवं कार्यवाही हेतु दिनांक 10.08.2019 द्वारा अपनी विस्तृत आच्छादनीय जलिकारी तथा प्रदूषण नियंत्रण बोर्ड क्षेत्रीय कार्यालय प्रयागराज तथा जिलाधिकारी, प्रयागराज को प्रेषित की है। आख्या की प्रती पत्र के साथ संलग्न है। (संलग्नक-2)

4. निर्देश-CCTV be also installed at all the exit points. From where loaded Trucks with sand, moves, to check the actual number of trucks departed and over loading.

अनुपालन आख्या- 3030 उपखनिज (एरिडर) निम्नवती-1063 एवं पट्टाखिखेह सती के अनुसार 05 डंपिंग से अधिक शोकास वाले खान क्षेत्रों में सीसीटीवी कैमरा लगाने जाने का अधिसूचना है। अन्ततः अधिसूचना द्वारा अगली आख्या दिनांक 17.05.2019 में उल्लेख किया गया है कि "जनपद प्रयागराज में खनुना नदी तट निष्पन्न संचालन बाजू के कुल-21 क्षेत्रों में से 11 क्षेत्रों (खण्ड संख्या-01, 02, 04, 05, 06, 08, 10, 12, 17, 18 व 21) पर गैरवासीय पट्टा स्वीकृत है। मौलिक पट्टा पर स्वीकृत एनपीआर 11 बाजू क्षेत्रों में से 08 बाजू क्षेत्रों (खण्ड संख्या-01, 02, 04, 05, 06, 08, 12, 18 व 21) के exit points, जहाँ से Sand Loaded Trucks निकलते हैं, पर गाड़ियों की संख्या एवं Over loading का Monitoring करने के लिए सम्बन्धित पट्टाधारकों से CCTV कैमरा स्थापित कराया गया है तथा 01 बाजू क्षेत्र (खण्ड संख्या-17) मुख्य गैरवासीय क्षेत्र के उत्तरी भाग आने के कारण गैरवासीय प्रारम्भ होने के कारण इस क्षेत्र में अभी तक खान कार्य प्रारम्भ नहीं किया गया है जिसके कारण सम्बन्धित पट्टाधारक द्वारा इस बाजू क्षेत्र में कोई CCTV कैमरा नहीं लगाया गया है। उल्लेख के अधिसूचना बाजू क्षेत्र खण्ड संख्या-10(आम-कैनुना, बिलवा) से सम्बन्धित पट्टाधारक द्वारा exit points, जहाँ से Sand Loaded Trucks निकलते हैं, पर गाड़ियों की संख्या एवं Over loading का Monitoring करने के लिए से CCTV कैमरा स्थापित किया गया था परन्तु अधिसूचना अन्ततः अज्ञात तथ्यों द्वारा उसे ठीक दिया गया जिसके कारण सम्बन्धित पट्टाधारक के exit points पर पुनः CCTV कैमरा लगाने हेतु निर्देशित किया गया है।"

5. निर्देश—In case of illegal mining and illegal movement of the truck and over loading, the trucks be immediately be seized and FIR be lodged and be released only in accordance to the order of the Hon'ble NGT.

अनुपालन आख्या—अधैख खनन/परिवहन तथा निर्धारित मात्रा से अधिक मात्रा में परिवहन करते पकड़े गये वाहनों को पकड़कर जप्त किया जा रहा है। ऐसे प्रकरणों में सम्बन्धित थानों में प्रथम सूचना रिपोर्ट दर्ज करायी जा रही है। ज्येष्ठ खान अधिकारी द्वारा मा0 न्यायलय को प्रेषित अख्या में मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली द्वारा आदेश जा उल्लेख किया जा रहा है (संलग्नक-3)। तत्कालीन ज्येष्ठ खान अधिकारी ने समिति की बैठक दिनांक 15.03.2019 के अनुपालन में दिनांक 15.03.2019 से दिनांक 09.05.2019 तक यमुना नदी से साधारण बालू के अधैख खनन व परिवहन के विरुद्ध की गई कार्यवाही से सम्बन्धित रिपोर्ट प्रस्तुत की है जिसके अनुसार दिनांक 15.03.2019 से दिनांक 17.05.2019 तक अधैख खनन के 08 प्रकरणों में तथा अधैख परिवहन के 36 प्रकरणों में प्रथम सूचना रिपोर्ट (एफ0आई0आर0) दर्ज कराई गई है तथा दिनांक 18.05.2019 से दिनांक 09.06.2019 तक अधैख खनन के 14 प्रकरणों तथा अधैख परिवहन के 29 प्रकरणों कुल 87 प्रकरणों में एफ0आई0आर0 दर्ज कराई गई है। ज्येष्ठ खान अधिकारी, प्रयागराज ने अपने पत्र संख्या 496/खनिज/2019 दिनांक 10.06.2019 द्वारा अपनी विस्तृत अख्या क्षेत्रीय अधिकारी ज्येष्ठ प्रदूषण नियंत्रण बोर्ड क्षेत्रीय कार्यालय प्रयागराज को प्रेषित की है। अधैख खनन/परिवहन में शक्ति अभियुक्तों के विरुद्ध रैगिस्टर एक्ट के अन्तर्गत कार्यवाही की गई है तथा सचिव्य में भी अपराधों का सङ्गठन होने पर अभियुक्तों के विरुद्ध रैगिस्टर एक्ट के अन्तर्गत भी कार्यवाही की जायेगी। रैगिस्टर एक्ट के अन्तर्गत की गई कार्यवाही का विवरण संलग्न है (संलग्नक-4) एवं खनिज प्रवर्तन दल द्वारा दिनांक 10.06.2019 से दिनांक 30.06.2019 के मध्य अधैख परिवहन 17 प्रकरणों एफ0आई0आर0 दर्ज करायी गयी है (संलग्नक-5)।

6. निर्देश—D.M. and S.S.P. Prayagraj may take a surprise check periodically to watch the action of Police Officer and Mine Officer and send the report to the chairman of the committee.

अनुपालन आख्या—सच्य अधिकारियों द्वारा औचक जाँच की जा रही है। तत्कालीन-बारा में यमुना नदी के किनारे स्थित थानों का आकस्मिक निरीक्षण किया गया। अधैख खनन व परिवहन को शून्य स्तर पर ले जाने हेतु निम्नानुसार निर्देश दिये गये हैं—

1. यमुना नदी की घाट में बालू का अधैख खनन व परिवहन किया जाता हुआ पाये जाने पर सम्बन्धित उपजिलाधिकारी, पुलिस क्षेत्राधिकारी, खनिज खान अधिकारी एवं सम्बन्धित थानाध्यक्ष/प्रभारी निरीक्षक व्यक्तित्वगत रूप से जिम्मेदार होंगे। उपरोक्त सभी अधिकारी द्वारा अधैख खनन व परिवहन को रोकने हेतु आपस में सामंजस्य स्थापित करते हुये प्रतिदिन अपने-अपने क्षेत्रों में प्रमत्त रहकर अधैख खनन के सम्बन्ध में संवेदनशील स्थलों की जाँच कर प्रभावी कार्यवाही करना सुनिश्चित करेंगे।
2. डीप खाना (प्रपत्र ई-एम्0एम्0 11) के बिना साधारण बालू का परिवहन किया जाता हुआ पाये जाने पर खनिज साहन को सीज करते हुए सम्बन्धित वाहन धातक एवं पट्टाधारक अथवा अधैख खननकर्ता के विरुद्ध सुरांगत धाराओं में प्रथम सूचना रिपोर्ट दर्ज कराकर कड़ी कार्यवाही करायी जाय।
3. यदि किसी पट्टाधारक द्वारा अपने पट्टा क्षेत्र में खाना (प्रपत्र ई-एम्0एम्0 11) अधैख खनन कर बालू का परिवहन करने वाले किसी अन्य अधैख खननकर्ता को उपलब्ध कराया जाता है तो दोष सिद्ध होने पर ऐसे पट्टाधारक के विरुद्ध सुरांगत धाराओं में प्रथम सूचना रिपोर्ट दर्ज करते हुए उनके पक्ष में स्वीकृत पट्टा को निरस्त करने की कार्यवाही करायी जाय।
4. क्षेत्र में एकत्रित बालू की मात्रा का आकलन करने के निर्देश दिये गये, जिसके क्रम में लगभग 51,480.00 घनमी0 बालू अधैख रूप से एकत्रित किया हुआ पाया गया। एकत्रित बालू का कोई दायदार नहीं पाये जाने पर उसकी नीलामी हेतु दिनांक 12.07.2019 की तिथि नियत है।
5. मानसून सत्र के दौरान दिनांक 01 जुलाई से 30 सितम्बर तक खनन/परिवहन पूर्णतया प्रतिबन्धित रहता है, जिसके क्रम में दिनांक 30 जून रात्रि 12:00 बजे से बालू के खनन/परिवहन पूर्णतया प्रतिबन्धित किया जा चुका है। इसके अतिरिक्त अनिश्चित खनन एवं निषेधों के उल्लेखन पाये जाने पर यमुना नदी के क्षेत्र में कुल-08 बालू के खनन पट्टे निरस्त कर दिये गये हैं।



प्रभारी खनन अधिकारी,
प्रयागराज।



अपर जिलाधिकारी (प्रशासन),
प्रयागराज।



जिलाधिकारी,
प्रयागराज।

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The Minutes of Meeting of Oversight Committee under Chairmanship of Hon'ble Justice (Retd.) Shri Rajesh Kumar, Allahabad High Court held on dated 15.03.2019 at Circuit House, Prayagraj in compliance of Hon'ble NGT order dated 12.02.2019 in O.A. No. 670/2018 Atal Singh Chauhan Vs. Ministry of Environment, Forest and Climate change & others, and in compliance of NGT order dated 28.08.2018 in O.A. No. 164/2018, Ashwani Kumar Dubey Vs. Union of India and others.

The attendance sheet of Committee Members and stake holders is enclosed.

The members of Committee headed by the Chairman along with District Administration and Senior Mining Officer of Prayagraj visited the site of the sand mining being done (legal/illegal) along the bank of river Yamuna at Semri, Kanewa/Birwal, Tehsil Bana in District Prayagraj on 14.3.2019. Subsequently, the meeting held on 15.03.2019 regarding sand mining.

A. Senior Mining officer states in respect of illegal sand mining that as per provisions of Mining Act there is a provision for the compounding wherein maximum amount is provided Rs. 25000.00, however, the Hon'ble NGT directed in its order to release the vehicle on taking 50% ex showroom value of the truck/vehicle, which according to Mr. Yadav is contrary to the provisions of the Mining Act. So far, they have released the vehicle after compounding maximum Rs. 25000.00 having regard to the cost of mineral and its royalty. However, the order of Hon'ble NGT is being challenged before the Hon'ble Supreme Court. The matter is pending. So long the order of NGT exists, it is binding and has to be complied with unless set aside by the Hon'ble Supreme Court. The Committee directs the authority to follow the order of Hon'ble NGT. It appears that such stringent view has been taken to check the illegal mining.

Sri Yadav stated that there is no restriction in carrying the sand from one side of the river to another side by Boat.

Yesterday we have been taken by Mr. Yadav to Khand No. 4 at Village Semri allotted to C.L. Gupta and sons on the side of river Yamuna par (Another side of river). We have seen that no mining activity is going on in this side of the river Yamuna. However, on the other side of river which falls in Kaushambi as well as in Prayagraj, We found that mining was going on and permit holder was using JCB; on a query being made that whether this JCB is being used for

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the extraction of sand or for any other purpose. Lease holder states that JCB is used for labelling purpose of the sand. This requires verification. We direct Regional officer UPPCB Prayagraj (with the help of District Administration) to verify the usage of JCB for the sand mining or for any other purpose within 15 days.

Prima Facie the Committee is of the view that JCB is being used for excavation of sand both from the river Stream and outside the river Stream. We have also seen more than 100 of boats loaded with the sand and from some of the boat excavation from river Stream was being carrying on. Some of the photographs are enclosed. The local persons standing there states that these boats are being used for extracting the sand from river Stream by the permit holders. It is informed that sand of river Stream is of the better quality than the sand lying outside Stream.

It is noticeable to state that when no mining was going on at the side of river Yamuna at Semri why the Mining Officer Mr. Yadav has brought us to that place. The Committee is of the view that he has deliberately brought us to this place to keep away from actual fact.

Thereafter, one of the person claimed himself to be one of the permit holder stated that real place where the illegal mining is going on is Khand 10 Village Kainwa and Birwal. He escorted us to that place. Committee visited Khand No. 10 Village Kainwa and Birwal alongwith 4 Scientist i.e. Mr. Merajuddin, Member SEIAA UP, Dr. Arvind Mathur, Member SEIAA, Dr. Venkatesh Dutta, Associate Professor, Baba Saheb Bhimrao Ambedkar University Lucknow & Mr. Sarvesh Rai, CPCB, Lucknow. Committee shocked to see the prevailing situation of illegal sand mining, as more than 1000 boats being plied by local persons involved in extracting the sand from river stream which is totally illegal. On query being made from Senior Mining Officer, Superintendent of Police (Yamuna Par) that why the action is not being taken to stop such illegal mining. Sri Yadav and S.P. Yamuna Par states that various steps have been taken in the form of filing FIR and also invoking gangster Act, on such persons involved in illegal mining, a report is also being provided during meeting by S.P. Yamuna Par. Perusal of report shows that in some cases charge sheets have been filed, but in some matter still the issue is under inquiry. However, S.P. Yamuna Par admitted that none of the person has been arrested in Gangster Act till today or against the FIR. Committee is of the view that action taken by senior mining officer and Police officials are only eye wash. No



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serious attempts have been made against the defaulter to stop the continues illegal mining. However he assures that a stringent action will be taken on his part to stop the illegal mining and the monitoring in this regard, will be done on day-to-day basis. Let S.P. Yamuna Par, may give report in this regard within a month. Due to shortage of time, we could not visit other places; however, we have been informed that illegal mining activities is going on, in other places also.

Committee is of the view; sand is important for ground water recharge, on a riverbed it acts as a link between the following river and the water table and is part of the aquifer. Sand, pebbles and boulders prevent the river from changing the course and act as a buffer for the riverbed. Unplanned and extensive removal of sand from riverbeds beyond what is sustainable also amounts to destroying the nature habitat of biodiversity including fishes. The large-scale extraction of streambed materials, mining below the existing stream bed and the alteration of channel-bed form and shape lead to several impacts such as erosion of channel bed and banks, increase in channel slope, and change in channel morphology. These impacts may cause: (1) the undercutting and collapse of river banks, (2) the loss of adjacent land and / or structures, (3) upstream erosion as a result of an increase in channel slope and changes in flow velocity, and (4) downstream erosion due to increase carrying capacity of the stream, upstream, downstream changes in patterns of deposition, and changes in bed and habitat type.

In-Stream mining is ecologically unscientific and any River Bed Mining (RBM) can only be done in unsaturated zone in the floodplain. Excessive in-stream sand mining causes degradation of rivers. Therefore, there has to be periodic assessment of how much sand can be sustainably mined, as the quantity can vary from a river to river and within a river from stretch.

On the aforesaid facts, Committee is of the following opinion and proposes to issue following direction which is to be followed in future:

- (a) Committee is of the opinion that regular illegal mining of sand from river stream is going on causing loss of revenue of several crores and also creating environmental damage.
- (b) Illegal mining is going with the support and collusion of Mining Officers and Police Authorities.

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Direction:-

1. CCTV of larger range be installed at the specific places, where the illegal mining is going on to monitor the illegal mining. Satellite pictures can also be taken to identify the places where illegal mining is going on.
2. Regular patrolling of police squad be made on daily basis. Police party not only visit but also take photographs of each day particularly for the period between 8.00 A.M. to 6.00 P.M.
3. S.H.O. of concerned Thana and concerned mine officer may give daily report and send photograph to R.O. U.P. Pollution Control Board Prayagraj and to D.M. Prayagraj.
4. CCTV be also installed at all the exit points. From where loaded Trucks with sand, moves, to check the actual number of trucks departed and over loading.
5. In case of illegal mining and illegal movement of the truck and over loading, the trucks be immediately be seized and FIR be lodged and be released only in accordance to the order of the Hon'ble NGT.
6. D.M. and S.S.P. Prayagraj may make a surprise check periodically to watch the action of Police Officer and Mine Officers and send the report to the Chairman of the Committee.

B. Construction of road around Bhatauti Stone Crusher area, Meja, Prayagraj.

Mr. Ram Adhar, Assistant Engineer, Provincial Division, PWD Prayagraj submitted the estimate of 7.5 KM road which is to be constructed of Rs. 1455.47 Lack. He submitted that estimates have been prepared excluding the GSB, sand and dust cost. Sri Deepak Chaurasia, representative of Bhatauti Stone Crushers, states that the estimate is highly excessive and a copy of the estimate to be provided for study. Let a copy may be provided by A.E., P.W.D. to the representative of stone crushers. In case if there is any objection in prepared estimate, he should submit his objection to the Chief Engineer PWD. The objection will be submitted to the Chief Engineer UPPWD Prayagraj. On the receipt of the objection, the Chief Engineer UPPWD Prayagraj is directed to look into the matter and after considering the objection filed by stone crusher representative, take the decision in this matter. Sri Chaurasia states that the objection will be filed within a week and the Chief Engineer is directed to decide the objection

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giving opportunity to the concerned parties. After the decision of CE the Committee may look into this matter.

C. Chandrasekhar Park (Campamaw Garden), Prayagraj

The matter has been discussed in detail with regard to pond, which is, at present, lying in abundant condition. VC, PDA stated that the matter has already been taken up as per direction given by the Committee. Estimate has also been prepared. He submitted that he will take all possible steps to expedite the restoration of pond. The Committee advises that at the time of construction of pond, they may take consultation from NTPC Meja where there is a big water storage pond has been constructed/under construction for the usage in industrial activities, which is a technically sound. They may also take advice from contractor. With regard to on-going construction including 3 toilets in the premises of the garden, it is stated that due to lack of fund it could not be completed. VC PDA assures that he will take necessary steps to complete the construction within one month. The Committee directs the Superintendent of Garden for restoration of fencing of boundary walls, which at present is not intact. MD/VC states that there is always shortage of fund, which is required for development and maintenance of the park. The sources of fund for garden is from ticket collection and annual budget allocated for maintenance. For any construction/alteration, funds is received from the government related to specified project. The account of fund which includes receipt is maintained by the Superintendent of the garden. Let the Superintendent give the detail of the fund of 2018-19 along with receipt and expenditure. The Committee is of the view that public limited company may be approached for contribution for various projects being under taken for the management of the park and its maintenance. Committee may also consider put/publish their name for the purpose of advertisement in respect of their annual contribution for the development and maintenance of the park.

The Committee is of the view that for beautification of the park, some rockery fountains may be installed at some places. VC/DM states that he may look into the matter and take necessary steps in this regard.

The Committee is of the view that security arrangement inside the park and outside the park is not satisfactory. The Police depute there are not discharging their duties. They are not taking regular rounding across the park. S.P. (City) Prayagraj present in the meeting states that he will look into the

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matter and will personally monitor the security. He suggested to place constable at various corners of the park and make them responsible for the assigned area. Let the meeting be fixed of the 15 days for review.

Rajes Kumar
(Justice Rajes Kumar)
Chairman
Oversight Committee (NGT)

प्रेषक,
जिलाधिकारी,
प्रयागराज।

सेवा में,
मा० अध्यक्ष
ओवर साईट कमेटी,
मा० राष्ट्रीय हरित अधिकरण
उ०प्र०, लखनऊ।

पत्रांक: 623/खनन/2020-21

दिनांक: 27/06/2020

विषय:—ओ०ए० संख्या-670/2018 अतुल सिंह चौहान बनाम पर्यावरण, वन एवं जलवायु
परिवर्तन मंत्रालय व अन्य के सम्बन्ध में।

महोदय,

कृपया अपने ई-मेल दिनांक 18.06.2020 का सन्दर्भ ग्रहण करने का कष्ट करें,
जिसके द्वारा जनपद प्रयागराज के साधारण बालू खनन के सम्बन्ध में 04 बिन्दुओं पर
सूचना उपलब्ध कराने के निर्देश दिये गये थे। उक्त निर्देशों के क्रम में 04 बिन्दुओं पर
चाही गयी सूचना इस पत्र के साथ संलग्न कर आवश्यक कार्यवाही हेतु प्रेषित की जा रही
है।

संलग्नक—उपरोक्तानुसार।

भवदीय



(भानुचन्द्र गोस्वामी)
जिलाधिकारी, प्रयागराज।

मा0 राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ0ए0 संख्या-670/2018 अतुल सिंह चौहान बनाम पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय व अन्य में पारित आदेश के क्रम में गठित ओवर साईट कमेटी को उनके पत्र दिनांक 18, जून, 2020 के क्रम में चाही गयी सूचना

1. अवैध खनन/परिवहन के विरुद्ध वित्तीय वर्ष 2018-19, 2019-20 व 2020-21 में किये गये प्रवर्तन कार्यों का विवरण निम्नवत् है-

वित्तीय वर्ष 2018-19

क्र0सं0	अवैध खनन के प्रकारण	अवैध भण्डारण के प्रकारण	दर्ज प्रथम सूचना रिपोर्ट की संख्या	अवैध परिवहन के प्रकारण	दर्ज परिवादों की संख्या
1	2	3	4	5	6
1	56	06	196	894	08

वित्तीय वर्ष 2019-20

क्र0सं0	अवैध खनन के प्रकारण	अवैध भण्डारण के प्रकारण	दर्ज प्रथम सूचना रिपोर्ट की संख्या	अवैध परिवहन के प्रकारण	दर्ज परिवादों की संख्या
1	2	3	4	5	6
1	32	04	132	537	80

वित्तीय वर्ष 2020-21

(दिनांक 14.06.2020 तक)

क्र0सं0	अवैध खनन के प्रकारण	अवैध भण्डारण के प्रकारण	दर्ज प्रथम सूचना रिपोर्ट की संख्या	अवैध परिवहन के प्रकारण	दर्ज परिवादों की संख्या
1	2	3	4	5	6
1	02	09	11	87	90

2. Original Application No. 670/2019 अतुल सिंह चौहान बनाम पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय, भारत सरकार व अन्य में मा0 राष्ट्रीय हरित अधिकरण (एन.जी.टी.), नई दिल्ली द्वारा पारित आदेश के अनुपालन में जनपद प्रयागराज में अवैध खनन एवं परिवहन पर नियंत्रण हेतु समस्त उपजिलाधिकारी/क्षेत्राधिकारी पुलिस तथा सहायक सम्भागीय परिवहन अधिकारी की सदस्यता में टास्क फोर्स गठित कर अपने-अपने क्षेत्रान्तर्गत अवैध खनन/परिवहन की नियमित जांच कर अवैध खनन के सम्बन्ध में की गयी कार्यवाही का साप्ताहिक रिपोर्ट प्रस्तुत करने के निर्देश दिये गये हैं। अवैध खनन/परिवहन पर नियंत्रण हेतु वरिष्ठ पुलिस अधीक्षक, प्रयागराज को नियमित रूप से सूचित किया जा रहा है।

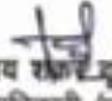
यह भी अवगत कराना है कि जनपद में अवैध खनन/परिवहन के विरुद्ध की गयी कार्यवाहियों का संज्ञान ओवर साईट कमेटी की बैठक दिनांक 07.02.2020 में लिया गया है। बैठक के कार्यवृत्त की छायाप्रति संलग्न है। उक्त बैठक में दिये गये निर्देशानुसार एकमात्र संवेदनशील क्षेत्र ग्राम बसवार में पुलिस चौकी स्थापना हेतु अर्द्धशासकीय पत्र सं0-2010/खनन/2020 दिनांक 22.02.2020 द्वारा वरिष्ठ पुलिस अधीक्षक, प्रयागराज से अपेक्षा की गयी थी। उक्त अर्द्धशासकीय पत्र के क्रम में वरिष्ठ पुलिस अधीक्षक, प्रयागराज के पत्रांक-म-09/2020 दिनांक 14.04.2020 के द्वारा ग्राम बसवार में पुलिस चौकी स्थापित किये जाने का अतिशयपूर्ण प्रस्ताव व उपलब्ध भूमि का नक्शा नजरी गाटा संख्या सहित

उपलब्ध कराने हेतु प्रभावी निरीक्षक धाना घुसपुर को निर्देशित किया गया है। इस प्रकार संवेदनशील क्षेत्र ग्राम बसवार में प्रतिदिन अवैध खनन/परिवहन की निगरानी की जा सकेगी। ग्राम-बसवार में टास्क फोर्स द्वारा कार्यवाही करते हुये सम्बन्धित के विरुद्ध प्रथम सूचना रिपोर्ट दर्ज करायी गयी है। वर्तमान में यमुना नदी में कोई भी अवैध खनन कार्य नहीं हो रहा है।

3. कार्यालय जिलाधिकारी के पत्र सं०-704/खनिज/2019 दिनांक 11.07.2019 द्वारा अवैध खनन/परिवहन पर प्रभावी कार्यवाही किये जाने हेतु सम्बन्धित अधिकारियों को निर्देश दिये गये हैं। सभी सख्त प्राधिकारियों द्वारा अवैध खनन पर अंकुश लगाने हेतु नियमित रूप से नियमानुसार प्रभावी कार्यवाही की जा रही है।
4. जिला सर्वेक्षण रिपोर्ट के अनुसार जनपद प्रयागराज में यमुना नदी तल स्थित सञ्चारण बालू के खण्ड सं०-01 से 21 तक कुल 21 क्षेत्र हैं। उक्त क्षेत्रों के वर्तमान स्थिति का विवरण निम्नवत् है:-
 - (क) बालू खण्ड सं०-03 व 16 में ई-निविदा सह ई-नीलामी प्रणाली के माध्यम से सञ्चारण बालू क्षेत्र को परिहार पर उठाये जाने के सम्बन्ध में कार्यालय विज्ञापित सं०-288/खनिज/2020-21 दिनांक 30.05.2020 द्वारा विज्ञापित किया गया है। ई-निविदा सह ई-नीलामी की कार्यवाही क्रमशः दिनांक 10.07.2020 व 13.07.2020 को सम्पन्न होगी।
 - (ख) बालू खण्ड सं०-06 को ई-निविदा प्रणाली के माध्यम से खनन अनुज्ञा पत्र पर स्वीकृत किये जाने हेतु कार्यालय के पत्र सं०-171/खनिज/2020-21 दिनांक 27.05.2020 द्वारा विज्ञापित किया गया था। उक्त विज्ञापित में बालू खण्ड सं०-06 हेतु कोई बोली प्राप्त न होने के कारण पुनः कार्यालय के पत्र सं०-620/खनिज/2020-21 दिनांक 27.06.2020 द्वारा विज्ञापित किया गया है।
 - (ग) बालू खण्ड सं०-05 व 07 में ई-निविदा सह ई-नीलामी प्रणाली/ई-निविदा प्रणाली के माध्यम से सर्वोच्च बोलीदाता के पक्ष में लेटर ऑफ इन्टेन्ट क्रमशः दिनांक 22.05.2020 व 18.06.2020 को निर्गत किया गया है।
 - (घ) बालू खण्ड सं०-09, SEIAA लखनऊ के सख्त पर्यावरण अनापत्ति हेतु लम्बित है।
 - (ङ) बालू खण्ड सं०-08 व 21 मा० उच्च न्यायालय इलाहाबाद के आदेश के अनुपालन में खनन पट्टा पुनः स्थापित हो गया है, जिसमें सम्बन्धित पट्टेधारक को बकाया धनराशि जमा किये जाने हेतु क्रमशः दिनांक 28.05.2020 व 08.06.2020 द्वारा नोटिस निर्गत की गयी है। उक्त दोनों क्षेत्र में वर्तमान समय में खनन बन्द है।
 - (च) बालू सं०-01, 02, 10, 11, 12, 13, 14, 15, 18, 19 व 20 वर्तमान में जलमग्न होने के कारण कोई कार्यवाही किया जाना सम्भव नहीं है।
 - (छ) बालू खण्ड सं०-04 के पट्टेधारक द्वारा देय किरातों की धनराशि जमा न होने के कारण वर्तमान में उक्त बालू खनन पट्टा में खनन कार्य प्रतिबन्धित है।
 - (ज) बालू खण्ड सं०-17 माघ मेला क्षेत्र के अनर्गत होने के कारण खनन पट्टे पर दिये जाने योग्य नहीं है।

सूचना सादर प्रेषित।


(अंजनी कुमार सिंह)
ज्येष्ठ खान अधिकारी,
प्रयागराज।


(विजय कुमार दुबे)
अपर जिलाधिकारी (प्रशासन),
प्रयागराज।



केन्द्रीय प्रदूषण नियंत्रण बोर्ड

Central Pollution Control Board

क्षेत्रीय निदेशालय, लखनऊ

Regional Directorate, Lucknow

(पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय, भारत सरकार)

(Ministry of Environment, Forest and Climate Change, Govt. of India)



F. No. ZoL/Tech/NGT/341/ 308
To,

Date: 30.06.2020

The Chairman,
Oversight Committee,
Environment Directorate,
Vineet Kand-1 Gomti Nagar,
Lucknow-226010

Sub: Calculation of Environmental Compensation (EC) in compliance with the Hon'ble NGT direction in case of OA No. 670/2018 in the matter of Atul Singh Chauhan Vs Govt. of UP.

Sir,

This is with reference to Minutes of Meeting of NGT oversight Committee, U.P Lucknow held on 18.06.2020 at 11:00 AM through Video Conferencing (VC) in case of OA No. 670/2018 in the matter of Atul Singh Chauhan Vs Govt. of UP. The Committee has directed CPCB to provide assistance in calculating the EC in compliance with the direction of the Hon'ble NGT in case of illegal sand mining.

In this regard, it is to submit that CPCB in compliance of Hon'ble NGT order dated-05.04.2019 in O.A. No. 360/2015 (and 13 other clubbed cases) related to illegal sand mining from riverbeds in different states, constituted a Committee comprising of representatives of Ministry of Environment, Forest and Climate Change, Government of India (MoEF&CC), Central Pollution Control Board (CPCB), Indian Institute of Forest Management - Bhopal (IIFM), Institute of Economic Growth - New Delhi (IEG) and Madras School of Economics (MSE) "to prepare a scale of compensation, after including the components mentioned in the order, which can then be adopted in whole of country. The nodal agency for compliance and coordination is CPCB."

The said committee has prepared a report and same has been filed in Hon'ble NGT on 30.01.2020 by CPCB. The report is under consideration for final hearing by Hon'ble NGT on 15.07.2020. As soon as the scale of compensation gets approved by Hon'ble NGT the same protocol will be applied for calculation of EC in this case also. This is for your kind consideration.

Yours faithfully

R.K. Singh
(R.K. Singh)

Regional Director

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दूरभाष / Tel : 0522-4087001, 2721918
फैक्स / Fax : 0522-4087002
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ई मेल/e-mail : cpcl@nic.in
वेबसाइट/website :http://www.cpcb.nic.in

प्रेषक,

निदेशक,

भूतत्व एवं खनिकर्म निदेशालय, उ०प्र०,
खनिज भवन, लखनऊ।

सेवा में,

जिलाधिकारी,

कानपुर देहात / फतेहपुर / मिर्जापुर / कौशांबी।

संख्या: ५२० / एम०-एन०जी०टी० / 2019

दिनांक: ०१, जुलाई, 2020

विषय- मा० राष्ट्रीय हरित अधिकरण ओवरसाइट कमेटी की बैठक दिनांक 18.06.2020 में उठाये गये अवैध खनन को रोके जाने के सम्बन्ध में।

महोदय,

कृपया उपर्युक्त विषयक के सम्बन्ध में अवगत करना है कि मा० राष्ट्रीय हरित अधिकरण नई दिल्ली में योजित ओ०ए० संख्या-670/2018 अतुल चौहान बनाम उत्तर प्रदेश राज्य व अन्य में पारित आदेश के अनुक्रम में ओवरसाइट कमेटी की बैठक दिनांक 18.06.2020 को सम्पन्न हुयी। उक्त बैठक में श्री एस०एन० सिंह, ई०पी०डी० द्वारा सूचना दी गयी कि बालू/मोरम के अवैध खनन का कार्य बड़े पैमाने पर कानपुर देहात क्षेत्र, फतेहपुर के जीगासी घाट, मिर्जापुर तथा कौशांबी में किया जा रहा है।

अतः उपरोक्त के सम्बन्ध में आपसे अपेक्षा है कि अपने-अपने जनपदों में स्वीकृत/रिक्त खनन क्षेत्रों की व्यापक जाँच कराते हुए अवैध खनन पर प्रभावी अंकुश लगाते हुए आख्या निदेशालय को उपलब्ध कराने का कष्ट करें।

भवदीय

(डा० रोशन जैकब)
निदेशक।

प्रतिलिपि- सदस्य-सचिव, ओवरसाइट कमेटी को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित।

(डा० रोशन जैकब)
निदेशक।

उप्र के रास्ते जा रहा उत्तराखंड का खनन

जागरण विशेष



जागरण संवाददाता, कोटद्वार: कोटद्वार प्रशासन ने खोह नदी से उपखनिज लेकर आने वाले डंपरों के लिए जो रास्ता तय किया, वह उत्तर प्रदेश से होकर गुजर रहा है। कोटद्वार क्षेत्र की सीमा से सटे जनपद बिजनौर के अंतर्गत ग्रामसभा तेलीपाड़ा के ग्रामीणों की ओर से जताए गए एतराज के बाद शुक्रवार शाम नगीना तहसील की टीम ने औचक निरीक्षण कर पूरी स्थिति की जानकारी ली।

कोटद्वार क्षेत्र की खोह व सुखरो नदियों ने रीवर ट्रेनिंग के नाम पर होने वाले खनन कार्य के लिए फरवरी व मार्च माह में निविदाएं जारी कर खनन पट्टे आवंटित कर दिए गए। इससे पहले कि नदियों में खनन कार्य शुरू होता, कोरोना संक्रमण के चलते देश में लॉकडाउन लागू हो गया। लॉकडाउन के प्रथम चरण समाप्त होने के बाद द्वितीय चरण में सरकार ने प्रदेश में रीवर ट्रेनिंग के नाम पर खनन शुरू करने की तैयारी कर दी। कोटद्वार में भी कुल्लेक फट्टाघारकों ने आवंटित क्षेत्र में बड़ी मशीनें व



कोटद्वार में खोह नदी से उपखनिज लेकर सड़क की ओर आते डंपर • जागत्य

डंपर लगाकर खनन कार्य शुरू कर दिया। वर्तमान में खोह नदी में बड़े पैमाने पर खनन कार्य चल रहा है। उपखनिज से लगे ट्रक पूर्व में शहर के भीतर से गुजर रहे थे, लेकिन प्रशासन की सख्ती के बाद ट्रकों की आवाजाही प्रशासन की ओर से तय मार्ग से होने लगी। अब प्रशासन की ओर से तय मार्ग ही प्रशासन के गले की हड्डी बन गया है। दरअसल, प्रशासन की ओर से तय किया गया मार्ग उत्तर प्रदेश के जनपद बिजनौर की नगीना तहसील के ग्राम तेलीपाड़ा की सीमाओं भी भीतर से गुजर रहा है, जिस पर ग्रामसभा तेलीपाड़ा के

वासियों ने एतराज जताया।

ग्राम प्रधान रुचि घ्यानी की ओर इस संबंध में नगीना तहसील में शिकायत की, जिसके बाद शुक्रवार देर शाम नगीना से राजस्व विभाग की एक टीम गांव में पहुंची व वस्तुस्थिति का जायजा लिया। ग्राम प्रधान ने बताया कि जांच के दौरान इस बात की पुष्टि हुई कि उपखनिज से लदे ट्रक तेलीपाड़ा गांव की सीमा के भीतर से होकर गुजर रहे हैं। बताया कि नगीना तहसील प्रशासन की ओर से ट्रकों को गांव की सीमा से बाहर चलाए जाने संबंधी आदेश किए जा रहे हैं।

बंदिशें हटा खनन से जुटाएंगे 750 करोड़

प्रदेश को खराब माली हालत से उबारने को खनन से आमदनी पर टिकी निगाहें

जागरण विशेष

रविंद्र बड़वाल • देहली

कोरोना से आर्थिकी को लगे झटके से उबरने के लिए राज्य सरकार की नजरें खनन पर टिकी हैं। आमदनी के लिहाज से भरपूर संभावना वाले इस क्षेत्र से अभी तक संतोषजनक राजस्व जुटाने में सरकार को कामयाबी नहीं मिली है। एनजीटी, केंद्र सरकार और अदालत की ओर से पर्यावरणीय मामलों को लेकर लगाईं तमाम बंदिशें हटाने के लिए सरकार पूरी ताकत से जोर लगाने जा रही है। इससे चालू वित्तीय वर्ष में 750 करोड़ का राजस्व जुटाने का लक्ष्य है। 2022-23 तक खनन से सालाना आमदनी 900 करोड़ तक पहुंचाने पर काम किया जा रहा है।

कोरोना संकट की वजह से राज्य की अर्थव्यवस्था भी लॉकडाउन में है।



तैयारी

- एनजीटी, केंद्रीय मंत्रालय और अदालत में सरकार करेगी पुरजोर पैरवी
- डेढ़ माह में करों से होने वाली आमदनी घटकर 15 फीसद तक सिमटी
- हेल्थकेयर टैक्स के रूप में बढ़ाई जा चुकी हैं पेट्रोल व शराब की कीमतें

पिछले डेढ़ माह में करों से होने वाली आमदनी घटकर सिर्फ 15 फीसद तक सिमट चुकी है। राज्य की कुल आमदनी में करों से होने वाली प्राप्ति 60 फीसद से ज्यादा है। कर राजस्व घटने का सीधा असर कर्ज बढ़ने के रूप में प्रदेश की जनता पर पड़ेगा। कोविड-19 महामारी से समाज का सभी तबका प्रभावित है, ऐसे में सरकार को तमाम क्षेत्रों को राहत देने के उपाय करने पड़ रहे हैं।

इस वजह से हेल्थकेयर टैक्स के रूप में पेट्रोल, डीजल व शराब की

कीमतें बढ़ाई जा चुकी हैं। सरकारी खजाने को इससे 350 करोड़ से ज्यादा मिलेंगे। इससे पहले सरकार सभी मंत्रियों व विधायकों के वेतन-भत्तों में 30 फीसद कटौती का निर्णय ले चुकी है। साथ ही कर्मचारियों के डीए को फ्रीज किया जा चुका है। इससे भी 350 करोड़ जुटाए जा सकेंगे। बावजूद सरकार के सामने बड़ी दिक्कत कर्मचारियों के वेतन-भत्ते और पेंशन, मानदेय के रूप में मासिक 1200 करोड़ के खर्च की पूर्ति है। लॉकडाउन-तीन में आर्थिक

गतिविधियां शुरू होने से सरकार को कुछ राहत मिलने की उम्मीद है, लेकिन इतने भरे से अर्थव्यवस्था पटरी पर नहीं लौटनी है। लिहाजा सरकार अब खनन से ज्यादा आमदनी जुटाने के लिए हाथ-पांव मार रही है। खनन से होने वाली आमदनी बढ़ाने में बड़ी दिक्कत एनजीटी, केंद्रीय वन एवं पर्यावरण मंत्रालय के साथ ही अदालतों के आदेश हैं। इन बाधाओं को दूर करने मुख्यमंत्री त्रिवेन्द्र सिंह रावत इस संबंध में केंद्रीय जलशक्ति मंत्री और केंद्रीय वन एवं पर्यावरण मंत्री से मुलाकात करेंगे। साथ ही अदालतों में प्रभावी पैरवी करने का निर्णय लिया गया है।

उधर, वित्त सचिव अमित नेगी ने कहा कि इस साल खनन से 750 करोड़ आमदनी का लक्ष्य रखा गया है। खनन क्षेत्र को तमाम परिस्थितियों को ध्यान में रखकर खोला जाएगा। आने वाले सालों में इसे बढ़ाकर 900 करोड़ तक किया जाएगा।

वन निगम की ओर से पंजीकृत सभी वाहनों को खनन कार्य की अनुमति



चम्पावत। शारदा खनन क्षेत्र में वन निगम की ओर से पंजीकृत सभी वाहनों के खनन कार्य की अनुमति दे दी गई है। बीते दिनों हुई बैठक में प्रशासन की ओर एक

दिन में 350 वाहन ही चलने की अनुमति दी गई थी। जिसे अब बंद कर दिया गया है। सभी वाहन चलने के बाद अब खनन क्षेत्र में सोशल डिस्टेंसिंग बनाए रखना

चुनौती बन सकता है। लॉकडाउन के चलते सोशल डिस्टेंसिंग का पालन हो सके इसके लिए प्रशासन की ओर से बीते दिन एक दिन में सिर्फ 350 वाहन ही पास होने की अनुमति दी गई थी। लेकिन अब वन निगम ने सभी वाहनों को खनन में चलने की अनुमति दे दी है। अब खनन क्षेत्र से ओवरलोडिंग लाने वाले वाहनों की निकासी अगले दिन बंद कर दी जाएगी। करीब 500 वाहन खनन क्षेत्र के अप और डाउन स्ट्रीम में अब हर रोज दौड़ेंगे। सभी वाहनों को चलने की अनुमति से खनन क्षेत्र में सोशल डिस्टेंसिंग बनाना चुनौती साबित होगा। खनन क्षेत्र के डाउन स्ट्रीम में खूब ओवरलोडिंग हो रही है। यहां तक कि वाहन को चढ़ाई चढ़ने में भी परेशानी का सामना करना पड़ रहा है। लेकिन अब देखना होगा कि सभी वाहनों के चलने से प्रशासन और वन निगम सोशल डिस्टेंसिंग पर कितना ध्यान देता है।

बालू और मौरंग की बढ़ती कीमतों पर काबू की कवायद

निजी भूमि पर खनन की अनुमति मिलेगी

राज्य मुख्यालय | प्रमुख संवाददाता

मध्य प्रदेश जाने वाले ट्रकों पर सख्ती

सरकार बालू-मौरंग की लगातार बढ़ती कीमतों पर काबू करने के लिए निजी भूमि पर खनन करने की अनुमति देगी। नदी के बहाव के साथ खेती की जमीनों पर आने वाले बालू-मौरंग और मिट्टी को किसान खुदाई कर सकेंगे। इसके लिए डीएम के यहां से अनुमति लेनी होगी।

इस कवायद से बाजार में मानसून के समय उपखनिजों की कमी को काफी हद तक कम किया जा सकेगा। अभी तक किसानों को इसकी अनुमति नहीं थी। यूपी में खनन व्यवस्था पटरी पर नहीं आ पा रही है। इससे लोगों को महंगी दरों पर बालू-मौरंग खरीदनी पड़ रही है। विभागीय लापरवाही से पूरे वर्ष दो सौ से

प्रदेश में बालू-मौरंग की कमी के चलते ट्रांसपोर्टर मध्य प्रदेश की खदानों की ओर रुख कर रहे हैं लेकिन यहां सख्ती अधिक होने के चलते धरपकड़ और अवैध वसूली हो रही है। झांसी, बांदा और फतेहपुर आदि जिलों से होते हुए ट्रक मध्य प्रदेश की खदानों की ओर जाते हैं। ओवररेटिंग के बावजूद यहां की खदानों में पर्याप्त उपलब्धता है। यूपी में खनन माफियाओं ने बंद कर दी सप्लाई : यूपी के हमीरपुर, बांदा, जालौन, सहित जिन जिलों में मौरंग की खदानें चल रही थीं वहां खनन माफियाओं ने अब सप्लाई देना रोक दिया है। हालांकि बड़े-बड़े पोकलैंड मशीनें और जेसीबी लगाकर घड़ाघड़ा खुदाई चल रही है। 30 जून को मानसून बंदी होने के बाद खनन माफिया इसी बफर स्टॉक से महंगी दरों पर माल सप्लाई की तैयारी में हैं।

अधिक खदानें शुरू ही नहीं हो सकीं।

वहीं जो शुरू हुईं वहां खनन माफिया हावी हो गए और ओवररेटिंग कर उपखनिज बेचते रहे। वहीं पुलिस, खनन विभाग, परिवहन विभाग और अन्य विभागों की अवैध वसूली ने भी रेट को

बढ़ा दिया। अब 30 जून को खनन तीन महीनों के लिए बंद हो जाएगा। सरकार ने इसके लिए भी तैयारी नहीं की। विभाग की ओर से बफर स्टॉक नहीं तैयार किया गया ताकि मांग के अनुरूप आपूर्ति बनी रहे।

बगैर लीज और परमिट उजाड़ रहे पहाड़ी पत्थर, मिट्टी और बालू का अवैध खनन और परिवहन धड़ल्ले से किया जा रहा

संवाद न्यूज एजेंसी

पड़री। स्थानीय तहसील क्षेत्र में इन दिनों पत्थर, मिट्टी और बालू का अवैध खनन व परिवहन धड़ल्ले से किया जा रहा है। क्षेत्र के दक्षिणांचल में स्थित पहाड़ों, वन भूमि, ग्राम समाज के जमीनो, नदी और नालो के साथ ही काश्त की जमीनों में अवैध ब्लास्टिंग कर बोल्टर, पटिया व गिट्टी निकालकर बगैर परमिट धड़ल्ले के साथ ठिकाने लगाया जा रहा है। अवैध खनन और परिवहन को लेकर बिडंबना यह कि शिकायत के बावजूद खनन व पुलिस विभाग ऐसे लोगों पर कार्रवाई से पीछे हट रही है। अवैध खनन और परिवहन से प्रतिदिन सरकार को लाखों रुपए का चूना लग रहा है।

गौरतलब है कि क्षेत्र के भोजपुर पहाड़ी, चांदलेवा, डगमगपुर, ढाढ़ीराम, सूखनई, शिष्टा, पहिती, गोपालपुर, कोटवा, मड़फा, हिनौती, गहिरा, चेंदुली आदि स्थानों पर वन भूमि, ग्राम समाज व निजी काश्त में बगैर पट्टे व लीज के धड़ल्ले से अवैध खनन कराए जा रहे हैं। लोगों की मानें तो यह सब काम विभागीय अधिकारी व इलाकाई थाना पुलिस की मिलीभगत से धड़ल्ले से अंजाम दिया जा रहा है। मजददार बात यह कि यदि मामले की जांच कराई जाए तो लीजो से ज्यादा अवैध स्थानों पर श्रमिक कार्य करते देखे जाएंगे। खनन माफियाओं की ओर से प्रत्येक विभाग में अपनी पैठ बनाकर बे-रोकटोक कार्य कराया जा रहा है। दिखावे के तौर पर खनन और पुलिस विभाग की ओर से महीने में एक, दो बार ओवर लोड ट्रक, ट्रिपर ट्रैक्टर पकड़ खाना पूर्ति कर दी जाती है। क्षेत्र से मिली शिकायत पर तत्कालिन



चुनार तहसील क्षेत्र में अवैध खनन के बाद रखी गिट्टियां और पत्थर।

यह है बानगी

पड़री। स्थानीय थाना क्षेत्र के भोजपुर पहाड़ी, तिगोड़ा में लगभग 60 बीघा ग्राम समाज की पहाड़ी पर जमीन है। एक दर्जन महाजनों की ओर से सैकड़ों की संख्या में कामगारों को प्रतिदिन कार्य पर लगाकर अवैध रूप से पटिया व बोल्टर निकाला जा रहा है। गंगा के तटवर्ती क्षेत्रों के साथ ही साथ मिर्जापुर शहर में रमईपट्टी, पड़री बाजार, चंडिकाधाम, पहाड़ी भोजपुर, मोहनपुर, कनौरा, पैड़ापुर, सिकरी रामनगर, छटहा, धरमदेवा, माधोपुर, अकसीली, महेवा, खजुरी, अर्जुनपर आदि मार्गों के सहारे धड़ल्ले से अवैध परिवहन किया जा रहा है।

प्रदूषण के चलते बढ़ रही सांस के रोगियों की संख्या

पड़री। स्थानीय थाना क्षेत्र के डगमगपुर व चांदलेवा में लगभग डेढ़ दर्जन क्रेसर प्लांट बगैर मानक पूरा किए धड़ल्ले के साथ संचालन कर रहे हैं। मानक के अनुसार क्रेसर प्लांट के संचालन के लिए प्लांट के नाम चार बीघा जमीन एवं प्लांट के चारों तरफ 8 फिट की चहारदीवारी, पानी का फवारा व चारों तरफ हरित पट्टिका के साथ ही साथ लीजों से पत्थर लेने के लिए अनुबंध होना चाहिए। लेकिन दो चार क्रेसर को छोड़कर अधिकांश क्रेसर प्लांट मानक से कोसों दूर हैं। ऐसे क्रेसर प्लांटों पर चाहर दिवारी न होने से उड़ रहे धूल के चलते अगल-बगल के गांव में श्वास के मरीजों की संख्या बढ़ती जा रही है।

उपजिलाधिकारी अरविंद चौहान की ओर से खनन पट्टे व अवैध खनन के साथ ही साथ क्रेसर प्लांटों का जांच शुरू कराई गई थी।

पहाड़ों से विलुप्त हो रही औषधियां

पड़री। वैसे तो क्षेत्र के दक्षिणांचल स्थित दर्जनों गांव के पहाड़ियों पर अवैध खनन कार्य चल रहा है। डगमगपुर व चांदलेवा पहाड़ियों पर लीज से ज्यादा अवैध रूप से कार्य कराए जा रहे हैं, जिससे पर्यावरण के साथ ही साथ पहाड़ पर स्थित औषधियां ब्लास्टिंग व खनन के चलते विलुप्त होती जा रही हैं। डगमगपुर, चांदलेवा पहाड़ों पर लीजें बगैर मानक पूरा किए अवैध ब्लास्टिंग कर रही हैं। डगमगपुर में ब्लास्टिंग को लेकर क्षेत्रीय जनता की ओर से काफी शोर-शराबा किया गया लेकिन ऊंची पकड़ होने के कारण जनता की आवाज दब गई। दो एकड़ का लीज पट्टा वाले लोग सीमांकन खुटा को बढ़ाते-घटाते रहते हैं।

कछवां में बालू व मिट्टी खनन को एसडीएम ने रोकवाया

कछवां। आदर्श नगर पंचायत में गंगा किनारे हो रहे अवैध मिट्टी और बालू के खनन को बुधवार को जिला प्रशासन ने रोकवा दिया। इस मुद्दे पर बुधवार को अमर उजाला ने प्रमुखता से खबर प्रकाशित की थी। जिस पर कार्रवाई करते हुए बुधवार को एसडीएम सदर गौरव श्रीवास्तव ने मौके पर पहुंचकर हो रहे खनन को रोकवा दिया। कहा कि जब तक सरकारी जमीन की नापी नहीं हो जाती तब तक किसी प्रकार का खनन नहीं किया जाएगा। यदि किसी प्रकार का खनन किया गया तो संबंधित लोगों पर

कार्रवाई की जाएगी। लेखपाल शेषमणि ने बताया कि गंगा किनारे जहां तक खनन हुआ है वह गंगा कछार की जमीन हो सकती है। जमीन का नक्सा को देख कर बताया जाएगा कि जमीन सरकारी या फिर किसानों के काश्तकारी का है। एसडीएम सदर ने बताया कि जहां तक खनन किया गया है वह किसानों की जमीन है या सरकारी मामले की जांच कराई जाएगी।

हालांकि देहात कोतवाली व पड़री थाना क्षेत्र के कई इलाकों में अवैध खनन बुधवार को भी जारी रहा। रमईपट्टी-कनौराघाट मार्ग पर पूरी रात अवैध मिट्टी लदे ट्रैक्टर ट्रालियां बेखोफ हो दिनभर सड़को पर फरटि भरती रहीं।

उस समय अवैध खनन व परिवहन के साथ ही साथ मानक न पूरा करने वाले लीज होल्डरों तथा क्रेसर प्लांटों में हड़कंप मच गया था।

एक दर्जन क्रेसर प्लांटों को एसडीएम की ओर से सीज भी किया गया था। कुछ ही दिन बाद स्थानांतरण अन्यत्र कर दी गई।

तापमान

बारा 28.5°
अधिकतम

रात 25.5°
न्यूनतम

विशुद्ध 28.0°
अधिकतम

उपशीत 20.0°
न्यूनतम

जयपुर 30.4°
अधिकतम

सवाई 24.1°
न्यूनतम

जयपुर 29.0°
अधिकतम

सवाई 24.5°
न्यूनतम

● पूर्वाह्न 5.32
● पश्चिम 6.58

रुक्मिणी का पूर्वनिर्माण
केट्टीय जल आपूर्ण के सुविधात्मक वास्तुन उद्देश्य हैं। कहीं विद्युत्तम ताप का उपयोग में जल बचाना हो सकता है।



उम्मीद : पूरा पूर्णिक पर जल रोड, उम्मीद उद्देश्यती बंद पर पुनः रोक के कार्यक्रम का आयोजन मुकद रक्त बने से किया जाएगा।
उम्मीद : उद्देश्य में पूर्णिक पर उद्देश्यती बंद पर विद्यालय में जल आपूर्ण मुकद उद्देश्य से होगा।
उम्मीद : उद्देश्य में पूर्णिक पर उद्देश्यती बंद पर विद्यालय में जल आपूर्ण मुकद उद्देश्य से होगा।



● विद्यालय
● बंद
● उद्देश्य
● मुकद

एनजीटी का हुकम, दो माह में रोकें अवैध खनन

उत्तर प्रदेश और मध्य प्रदेश की सरकारों को दिए नेशनल ग्रीन ट्रिब्यूनल ने सख्त आदेश

अमर उजाला ब्यूरो

बारा। नेशनल ग्रीन ट्रिब्यूनल (एनजीटी) ने उत्तर प्रदेश और मध्य प्रदेश की सरकारों को आदेश दिया है कि दो माह में अवैध खनन पर सख्त रोक लगाई जाए। इससे संबंधित चल रही जमानत प्रक्रिया को दो माह के अंदर निस्तारित करने के भी आदेश दिए हैं। इसी आदेश के साथ एनजीटी ने विद्यालय पांच वर्षों से अधिककालों पर चल रही मुद्दों पर निस्तारित कर दी।

बारा के समाजसेवी उद्देश्य गंध निवृत्त ब्रजमोहन राय सहित कई लोगों ने एनजीटी में अवैध खनन के विरुद्ध याचिकाएं दायर की थीं। ब्रजमोहन ने अक्टूबर 2013 में बारा की केन और बागौ नदियों में हो रहे अवैध खनन और पर्यावरण को नुकसान का हवाला देकर रिट याचिका दायर की थी। एनजीटी इस रिट याचिका पर तुरंत से लगातार सुनवाई कर रही थी। बीच-बीच में एनजीटी ने सख्त रुक आदेश दिए उत्तर प्रदेश और मध्य प्रदेश की सरकारों सहित अवैध खनन से जुड़े 710 लोगों को नोटिस जारी की थी। कई पर 25-25 हजार रुपये जुर्माना भी लगाया था। केन्द्र सरकार और उत्तर प्रदेश सरकार सहित लगभग तीन दर्जन लोगों को नोटिस देकर अवैध खनन के बारे में स्पष्टीकरण भी मांगा था। जोष के रिट एनजीटी ने लोकल कमिश्नर के रूप में सुयोग कोर्ट के खरिप्ट अधिवक्ता अनेस सेन को बारा पड़ताल के लिए भी भेजा था। उन्होंने खदानों का स्थलगत जांच पड़ताल की थी और तयाम फोटोग्राफ भी मौके से लिए थे। पांच वर्षों तक चली लंबी सुनवाई के बाद एनजीटी ने 24 जुलाई को अपना अंतिम आदेश जारी करते हुए यह सख्त याचिकाएं निस्तारित कर दीं। इस आदेश एनजीटी के चेयरपर्सन न्यायाधीश न्यायमूर्ति आदर्श कुमार गोपाल, न्यायिक सहायक न्यायमूर्ति एसजी बागौ और विशेषज्ञ सदस्य डाक्टर जयजित नंदा द्वारा दिए गए आदेश में कहा गया कि उत्तर प्रदेश प्रदूषण नियंत्रण बोर्ड के बकील ने कहा कि वर्तमान में प्रदूषण क्षेत्र में कोई अवैध खनन नहीं हो रहा। न ही स्वीकृति दी गई है। एनजीटी ने आदेश दिया कि पूर्वी और पश्चिमी सरकार आज की तारीख से दो माह के भीतर चल रही जांचों को निस्तारित करें।



2013 अवतूर में बांदा की केन, बागौ नदी पर खनन पर एनजीटी में दायर की गई थी रिट

05 साल की सुनवाई के बाद एनजीटी ने दिया आदेश

02 माह में सभी जांचों को निपटाने के भी दिए निर्देश

24 जुलाई को अंतिम आदेश में सभी याचिकाएं निपटाई

13 लाख घन फीट अवैध खनन बताया था लोकल कमिश्नर ने

एनजीटी द्वारा केन और बागौ नदियों में अवैध खनन की जांच को रोकें पर भेजे गए अपने लोकल कमिश्नर अनेस सेन ने अपनी जांच रिपोर्ट में एनजीटी को अवगत कराया था कि अवैध खनन नदी के सख्त पहाड़ों में भी हो रहा है। अवैध खनन करने वाली ने उनकी जांच में तह-तह के अवैध पैदा किए। लोकल कमिश्नर सेन ने अवैध खनन स्थलों के लगभग 50 फोटोग्राफ भी लिए थे और इन्हें एनजीटी में खरिप्ट किया था। इन फोटो में जेसीबी और ट्रैक्टर और के निशान भी दिखाई दे रहे थे। लोकल कमिश्नर सेन ने 13 लाख घन फीट बालू का अवैध खनन होने की रिपोर्ट दी थी। लोकल कमिश्नर के साथ चर्चा किए गए बकील पर एनजीटी ने टिप्पणी की थी कि हम बहुत दुखी हैं कि सरकार ने लोकल कमिश्नर की सुझाव का पर्याप्त इंतजाम नहीं किया। वृत्त

कई बार कड़े तैवर अपनाए एनजीटी ने

पांच वर्षों सुनवाई के दौरान एनजीटी ने केन्द्र और पूर्वी सरकारों से लेकर अपराधियों और अवैध खनन से जुड़े लोगों पर कई बार सख्त तैवर अपनाए। ऐसा लगने लगा कि एनजीटी की कार्रवाई को मात्र इन पर लगदी मिलेगी। एनजीटी ने केन्द्र सरकार के पर्यावरण व जल संसाधन समेत उत्तर प्रदेश की सरकार को नोटिस जारी की थी। इनके अलावा बारा और जयपुर के जिलाधिकारियों, सीपी और अदालत के जजिस्ट्रियटकारियों को भी नोटिस जारी कर जवाब-दलब किया गया था। इन सभी को एनजीटी ने हलफनामे दायर करत गई थे। वृत्त

पूर्व विधायक को भी दी थी नोटिस

एनजीटी ने जिन लोगों को नोटिस जारी कर जवाब-दलब किया, उनमें पूर्व विधायक जयजित सिंह और कोअपरेटिव बैंक के पूर्व अध्यक्ष लखन सिंह भी शामिल थे। इनके अलावा बारा (मध्य प्रदेश) बालू खनन के पट्टाधारक जयजित निवृत्त जयजी रोडमल, नरसिंह शर्मा और मोहन पुरख के बारापेट जेडि और को भी नोटिस जारी हुई थी। सख्त रक्त पर एनजीटी ने धारी-भरकम रक्त का जुर्माना भी किया था। इन सभी ने एनजीटी को प्रेषित जवाबी हलफनामों में अपने ऊपर लगाए गए आरोपों को सख्त सख्त था। वृत्त



बारा के नरसिंह क्षेत्र के पास मध्यप्रदेश की सीमा में जेसीबी से निकाली जा रही बालू। (सख्त फोटो)

दकील बोलें

पूर्वी सरकार के बकील ने एनजीटी को धरिप्ट दिया कि दो माह में अवैध खनन के हारबने को बालू के प्रकरणों को निस्तारित कर दिया जाएगा। मध्य प्रदेश के सरकारी बकील ने भी यही धरिप्ट दिया है। एनजीटी ने यह भी सुझाव दिया कि भविष्य में अवैध खनन न होने देने को दोनों राज्य समत रहें। संबंधित अधिवक्ताओं को बताया जाई कि अवैध खनन से वातावरण को नुकसान पहुंचा है।



30 जून से खनन पर रोक के बाद बारा के नरसिंह क्षेत्र में डंप की गई बालू। (सख्त फोटो)

Time to embrace manufactured sand



SUMAIRA ABDULALI

BY INVITATION

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India's ambitious developmental agenda of creating new infrastructure and urban spaces at an unprecedented rate has also thrown up environmental challenges, including the challenge of over-exploitation of sand stocks and unmanageable garbage accumulation.

These challenges present a valuable opportunity to develop new technologies with a potential to lead the world in technological solutions to environmental problems currently seen as catastrophic.

Sand, indispensable to all building projects, is the second-most extracted material in the world after water. India's sand stocks have never been mapped, while demand has spiralled due to unparalleled levels of construction activity requiring natural sand or a substitute aggregate. At the same time, a huge amount of waste material

hazardous to the environment, including rapidly accumulating stocks of construction debris, plastics, glass and industrial waste, are being dumped in environmentally sensitive landfills and water bodies. Cumulative urban legacy wastes in India are estimated at 1,200 million metric tonnes, at present locked in legacy landfills.

Attempts to regulate the activity of sand mafia have not succeeded, and recurring incidents of violence against those seeking to implement the law are escalating, including attacks on activists, journalists, police and other government officers. Sand mining also results in major environmental damage to coastlines, rivers and creeks, impacts livelihoods of fisherfolk and farmers, depletes ground water tables through saline ingress, harms flora and fauna and erodes natural coastlines. Sand mining near key existing infrastructure sites puts such infrastructure at risk. The collapse of a bridge at Mahad in 2016 where several people died was never investigated for its links with sand mining in spite of proximity

to well-established sand mafia operators, who threatened my life in a physical attack in 2010.

In May 2018, the United Nations Environment Programme (UNEP) presented its first international report on sand mining, led by Dr Pascal Peduzzi, naming India as facing the second-highest problem in global sand extraction after China. Dr Joyce Msuya, acting executive director, UNEP, says "The problem is that we have been exceeding easily available sand resources at a growing rate for decades."

The UNEP report stresses the need for alternative building technology and materials, which would substitute natural sand for construction. It names China and India as leading the world in such technologies. "These countries are also the source of solutions when it comes to alternate materials and new building strategies."

Substitutes for natural sand may consist of crushed stone, recycled debris, recycled plastic or industrial waste such as slag. Many of these materials are already used in various parts of the world. In England, crushed slag is

used for road construction and in other European countries, debris from demolition of construction is recycled to replace freshly extracted natural sand.

In India, Mumbai led the way with an order of the Bombay High Court in 2010 directing the government to consider alternatives in a public interest litigation filed by Awaaz Foundation and based on an expert report by Professor Shyam Asolekar, IIT Bombay. The government of India and government of Maharashtra incorporated some of these solutions into revised policies over the last nine years.

The guidelines for sustainable sand mining of the ministry of environment, forest and climate change (MoEFCC) published in 2016 lay down the best practices of sand extraction based on the 'Maharashtra model, which maximises revenue collection. Unfortunately, the document does not acknowledge existence of mafia, laying the burden of responsibility to implement sand extraction rules on inadequately trained and equipped district level officers who are vulnera-

ble to threat and attack by the mafia.

The use of recycled plastic in road construction was pioneered in India and has been notified as mandatory. The latest GR of Maharashtra government mandating manufactured sand for Public Works Department projects is welcome, although it contains no details of mechanisms for implementation on the ground or for expansion to other government departments, private builders, etc.

Dr Asolekar's PhD student Richa Singh has worked extensively on mapping inventories and feasibility of viable, implementable solutions to include all possible alternatives suitable for all kinds of building projects.

I look forward to the day when, as eco-conscious citizens, we will be able to ensure that our houses are built only of recycled waste materials, in line with our ability today to use alternative energy towards our daily energy needs.

(Sumaira Abdulali is an environmentalist from Mumbai and a campaigner against illegal sand mining and noise pollution)

WOMEN IAS OFFICER, SP AND BSP LEADERS AMONG THOSE IN THE NET

CBI searches 14 locations in Delhi, UP over illegal mining

Former UP chief minister Akhilesh Yadav's role also under the scanner

New Delhi: The CBI on Saturday searched 14 locations in Delhi and Uttar Pradesh, including the residence of a woman IAS officer, a Samajwadi Party leader and a BSP leader, in connection with its investigation into a case of illegal sand mining, with sources holding the role of former Chief Minister Akhilesh Yadav, who held the portfolio of mining, will also be probed.

Central Bureau of Investigation (CBI) spokesperson Abhishek Deyal told reporters that the agency registered a case on January 2 against 11 people, including a few known public servants and unknown public servants and others, under several sections of the Indian Penal Code and the Prevention of Corruption Act.

Hamirpur DM

The agency has named the woman IAS officer B. Chandrasala, a former Hamirpur District Magistrate, miner Adil Khan, geologist/mining officer Moinuddin, SP leader Ramesh Kumar Mishra, his brother Dinesh Kumar Mishra, Ram Ashray Prajapati, a former clerk in the mining department in Hamirpur, Sonaj Dikshit, who



SP LEADER, BROTHER

The agency carried out searches at two residential premises of Chandrasala in Lucknow and Noida and at the premises of the SP leader and his brother in Kanpur and his close associate Ambika Tiwari in Hamirpur.

Deyal said the case relates to the illegal sand mining between 2012 and 2016, which it had started investigating on the directions of the Allahabad High Court.

He said the agency was investigating the granting and renewal of the licenses for the mining in the state between 2012-16 and also during the 'obstruction' period.

The official said that the CBI team recovered a few documents and seized a bank locker and two bank accounts from the IAS officer.

contested the 2017 Assembly polls on Bahujan Samaj Party (BSP) ticket, his father Satyendra Dikshit, and Ram Avtar Singh, a former clerk in the mining department.

The official said that it conducted searches at 14 locations including one in New Delhi's Lajpat Nagar area and Kanpur, Lucknow, Hamirpur, Jalon, Hamirpur and Noida (in Uttar Pradesh).

MINING MINISTER

From the residence of Adil Khan, the agency collected the documents related to mining. "We found that the mining licence to him was provided on the recommendations of the then mining minister Gayatri Prajapati," he said.

He said the agency recovered Rs 12.5 lakh and 1.8 kg gold from the residence of Moinuddin in Hamirpur and Rs 2 crore and two kg gold from the residence of the retired clerk of the mining department, Ram Avtar Singh, in Jalon.

Ram Avtar Singh was also holding a mining licence on a different name, "the official said.

The official said that it also carried out searches at the residence of SP leader Ramesh Kumar Mishra's wife in Lucknow but she has not been named in the FIR.

A senior agency official said that the agency will also probe the role of the Mining ministers in the state in 2012-16.

Former Chief Minister and SP chief Akhilesh Yadav held the mining ministry portfolio in the state from 2012 to 2013. Gayatri Prajapati succeeded Akhilesh Yadav as Mining Minister.

Country will celebrate its 5th birthday in May!

New Delhi: The Congress on Saturday hit back at the BJP over its claim that it had acted against economic offenders such as Vijay Mallya, saying its government is claiming credit for everything as if those happened after it assumed office in 2014. In response to a question while speaking at a press conference, Congress spokesperson Pawan Khera said that going by the BJP's 'credit seeking' claims, India would be celebrating its fifth birthday on May 28, 2019.

The party leader also alleged that Vijay Mallya met Finance Minister Arun Jaitley and sought his permission before fleeing the country. "If BJP is taking credit for declaring Mallya a FRO (fugitive economic offender), then let them take credit as they are taking credit for everything that happened after their government came to power in 2014," he said.

In a press briefing earlier in the day, BJP spokesperson Sambit Patra had said the law was brought in by the present NDA government to ensure that absconders such as Mallya are brought to justice. Khera alleged that BJP had taken credit for everything since it took oath in 2014.

A special court in Mumbai Saturday declared absconding liquor baron Vijay Mallya a fugitive economic offender on a plea of the Enforcement Directorate. "Mallya met a minister, sought his blessings and permission."

RIGHTS OF PERSONS WITH MENTAL ILLNESS

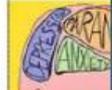
Mentally-ill have right to live with dignity: Justice S

Their rights are being violated by authorities

New Delhi: Supreme Court Judge Justice A K Sikri on Saturday raised concern about the rights of persons with mental illness, saying it was an issue of their human rights and they had a right to live with dignity.

Citing an incident of an asylum in Uttar Pradesh where many mentally-ill persons were chained, Sikri said, "This is happening in 2018 where we are talking about the legal rights of the mentally-ill persons. It is no more a health issue alone now... It is an issue of their human rights also as they are not getting the suitable environment which they need. They have the right to live like any other person."

They are also the citizen of this country and they have right to live with dignity. Their rights to live have been violated by the authorities itself," he said at a seminar here. Sikri's comments came two days after a bench comprising him and Justice S Abdul Nazeer said chaining people with mental illness was violative of their rights under Article 21 of the Constitution. It made the observations while hearing a public interest litigation (PIL) about persons with



WE ARE SLAVE

Speaking at the Health Minister said a major reason to fall sick was mental illness.

Mental illness of particular persons only I have done for if a person is study eminent institutes then, he/she should the contribution of Now, the time has we need to give something to the s

"We were slaves years and, now, we believe in equality, can work under someone to us," he said.

mental illness being the faith-based men UP's Badson district of the provisions of Health Care Act, 2017 administration freed Saturday and handed their family members

NEWS FLASH

WATERWAYS



Ram temple, triple talaq may harm NDA: Chirag

Development should be the plank

Sheikhpura (Bihar): The Lok Janshakti Party, a BJP ally in Bihar, on Saturday disapproved of contentious issues like the Ram temple and triple talaq being raised ahead of the Lok Sabha polls and expressed apprehension that deviating from the development plank could harm the NDA. LJP parliamentary board chair-

NRish Kumar's refusal

Pawan's statement came at a time when the issue of triple talaq has thrown Parliament into a turmoil and another BJP ally in the state, Chief Minister Nitish Kumar's JDU, has refused to vote in favour of the bill in the Rajya Sabha after having abstained in the Lok Sabha.

Moreover, Prime Minister Narendra Modi's contention that an ordinance on the Ram temple

HOW DELICIOUS!



Illegal beach sand mining issue to be taken up in SC

TIMES NEWS NETWORK

Madurai: City-based Human Rights Protection Centre (HRPC) Tamil Nadu has planned to file a case relating to the illegal beach sand mining issue in the three districts of Tuticorin, Tirunelveli and Karayikkumari before the Supreme Court.

It is expected that the Supreme Court would be prevailed to give direction to form a special investigation team to probe the issue. Regarding illegal beach sand mining, the HRPC conducted a study by forming a fact-finding team comprising seven advocates from Madurai, Tuticorin, Nagercoil and Chennai and released a report here on Thursday suggesting 12 recommendations running over 21 pages.

While the government's team had been conducted inspections in Tuticorin district, the HRPC team conducted checks in the concerned coastal villages of three districts Tuticorin, Tirunelveli and Karayikkumari. The team visited about 10 villages in

three districts during August and September and spoke with the villagers there. The team also met the collector, SP and other officials of Tuticorin district during its visit.

"The issue has to be probed like 2G Spectrum case by a special investigation team to be set up by the Supreme Court. Because, both the central and state governments are involved in the scam," claimed advocate Vanchinathan who led the team.

Criticising the government's probe, the report said that the present investigation, being done by senior IAS officer Gagan Deep Singh, is an eye-wash. Both the ruling AIADMK and the previous DMK government, along with the officials of the Tuticorin district, contributed to the scam. While being on the government's probe with the officials of Tuticorin is an eye-wash, the report charged.

The report was sent to the Union home secretary, state chief secretary and offices of the President of India and Tamil Nadu governor, Vanchinathan said.

