

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

Original Application No. 246 of 2024

News item titled "Gurdaspur Video of illegal sand mining goes viral probe on"
appearing in Babushahi dated 07.02.2024.

Status report of Punjab Pollution Control Board i.e. respondent no.2 in
compliance of order dated 18.03.2024 through Environmental Engineer, Regional
Office, Batala.

Respectfully Showeth

- 1) That briefly submitted, the Hon'ble National Green Tribunal has suo moto registered the above-mentioned on the basis of the news item titled "Gurdaspur Video of illegal sand mining goes viral, probe on" appearing in Babushahi dated 07.02.2024. The News item relates to alleged illegal sand mining in Upper Bari Doab Canal near Gurdaspur, Punjab. As per the Article, a video of sand mining with a JCB and a trolley from the area went viral, upon which the authorities reached the spot and seized the JCB. The villagers have claimed that the sand was being stolen from the canal with the help of JCB and trolley when MNREGA workers had gone after completing their work. The news item also reveals that on the basis of the information, SHO of Thana Purana Shalla has taken possession of JCB and brought to the Thana Purana Shalla.
- 2) That after consideration, Hon'ble National Green Tribunal vide order dated 18.03.2024 has given four weeks' time to respondent no. 1 (Central Pollution Control Board through its Member Secretary) and 2 (Punjab Pollution Control Board through its Member Secretary) to file the response.
- 3) That in compliance to the orders of the Hon'ble Tribunal, the matter was enquired into and the site in question was visited by the officer of the Punjab



Pollution Control Board alongwith Sub Divisional Officer, Canals, Gurdaspur on 26.03.2024. As per the report of the visiting officer, repair work of the eroded banks of Upper Bari Doab Canal (UBDC) was carried out by the Department of Canals with the help of JCB machine and no illegal mining was carried out at the site in question. The observations of the visiting officer during visit on 26.03.2024 are reproduced herein below:

- a) SDO, Canals, Gurdaspur informed that the Gram Panchayat of Village Dhariwal Khichian, Tehsil and District Gurdaspur have given request for the repair of the eroded banks of UBDC main line canal apprehending danger of breach during flood in rainy season.
- b) Acting upon the request of the Gram Panchayat, UBDC canal was stopped upto 24.2.2024 for necessary repair at different places.
- c) The repair work on banks was carried out at area in Village Dhariwal Khichian, Tehsil and District Gurdaspur where major portion of the banks had eroded due to high discharge in the canal during current season.
- d) The repair work was carried out by the department through MGNREGA labour by placing empty cement bags filled with sand / soil alongwith the bank of canal to protect further erosion.
- e) To speed up the work of repair, JCB machine was placed at site so that the work can be completed in time bound manner.
- f) After the news on Babushahi, the JCB of the Sh. Baljit Singh was seized by the SHO, Purna Shalla and kept in Police record. The JCB was release later after inquiring the matter.
- g) From the above-mentioned facts, it is clear that no mining was carried out at site in question and there was only repair of canal.



- h) Further Xen Mining, was also contacted telephonically to enquire that is there any mining site in the nearby area, he informed that there is no mining site in the radius of 5 Km of the site under complaint.

A copy of visit report dated 26.03.2024 (hand written) prepared by the visiting officer Er. Simarpreet Singh, Assistant Environmental Engineer during the visit on 26.03.2024 and also signed by Sh. Sanjeev Kumar, SDO, Canals, Gurdaspur alongwith typed report is enclosed herewith as **Annexure R 2/A**.

- 4) That in order to further confirm the facts of the case, the Environmental Engineer, Punjab Pollution Control Board, Regional Office, Batala has sought the following information from the Executive Engineer, Drainage-cum-District Mining Officer, Gurdaspur by writing letter no. 916 dated 02.04.2024
- a) Name of the mining site(s) within the district which has obtained permissions from your good office.
 - b) Compliance to use of technology and electronic surveillance such as geo tagging, geo fencing and electronic surveillance by unmanned aerial vehicles (UAVS) for the monitoring of mining site.
 - c) Name of the mining site(s) operating without obtaining permission from your good office, if any.

A copy of letter no. 916 dated 02.04.2024 is enclosed herewith as **Annexure R 2/B**.

- 5) That in response to letter dated 02.04.2024 of the Punjab Pollution Control Board the Executive Engineer / Gurdaspur, Drainage-cum-Mining and Geology Division Water Resources Department (WRD), Punjab vide memo no. 580/Mining dated 03.04.2024 has supplied the following information pointwise:



- a) It is submitted that there are 16 no. of mining sites in District Gurdaspur which are approved in District Survey Report of 2023. However, no site is operational due to International Border issues and Biodiversity Conservation Act.
- b) It is submitted that 17 no. of cameras are installed at various check post in District Gurdaspur to keep a check on illegal mining.
- c) It may be considered as nil.

A copy of memo no. 580 dated 3.4.2024 of Executive Engineer / Gurdaspur, Drainage-cum-Mining and Geology Division Water Resources Department (WRD), Punjab is enclosed as **Annexure R 2/C**.

- 6) That the matter was also enquired from Station House Officer of the Police Station, Purana Shalla. Senior Superintendent of Police, Gurdaspur has written letter no. 12164/ACC dated 12.03.2024 informing that the enquiry of the matter has been conducted by Superintendent of Police, Investigation, Gurdaspur. Wherein it is informed that SHO, Police Station, Purana Shalla reached on the spot and seized the JCB shown in the viral video and videography of the same had been kept in police record. After this the SDO, UBDC Gurdaspur informed to concerned SHO via office letter no. 04/special dated 06.02.2024 that on the continuous demand from the native villagers regarding the erosion on the banks of the UBD canal passing through the village to prevent the unprecedented situation in upcoming rainy season. To cater the demand of native villagers, a repair work was going on embankment of the river dated 06.03.2024 at 2.00 PM. It is further stated that some mischievous elements had given wrong information about the mining but no mining related activities were carried out there. After perusal of the facts, SHO, Purana Shalla, Gurdaspur registered the matter in Roznamcha (an official register to maintain record of office) vide report number 24 dated 7.2.2024 and thereafter the police released the seized JCB machine to Sh. Baljit Singh s/o Sukhdev Singh resident of Vill. Got Pokhar. A copy of letter no. 12164 /ACC dated 12.3.2024 (in Punjabi language) of Senior

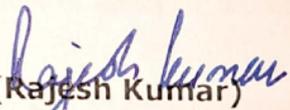
Superintendent of Police addressed to Deputy Commissioner, Gurdaspur alongwith English translation of the letter is enclosed as **Annexure R 2/D**.

- 7) That in view of the above facts of the case, it is concluded that the news report titled as Gurdaspur Video of illegal sand mining goes viral, probe on" appearing in Babushahi on 7.2.2024 is not based on factual position and was a distorted report which cannot be relied upon. Only the repair work of the eroded banks of Upper Bari Doab Canal (UBDC) was carried out by the Department of Canals at the site and the JCB machine was stationed at the site under the authority of the department and no illegal mining was being carried out by any person at the site. In view of these facts, no further action is required in the case.
- 8) That the status report on behalf of Punjab Pollution Control Board is hereby submitted in compliance to order dated 18.3.2024 for kind consideration and appropriate orders of the Hon'ble Tribunal.

Submitted by

Date: 19/4/24

Place: Batala


(Rajesh Kumar)
Environmental Engineer
Punjab Pollution Control Board
Regional Office, Batala.

VISIT REPORT

Name and Address of Place : R.D-135, 600 Right side bank of main line of Upper Bari Doab Canal (UBDC) near Sewa Kendar of Village Dhariwal Khichian, Tehsil and District Gurdaspur.

Name of Person Conducted : Sh. Sanjeev Kumar, SDO, Gurdaspur Canals.

Date of Visit : 26.03.2024

Name of visiting officer : Er. Simarpreet Singh, AEE

Observations:-

- # SDO, Canals, Gurdaspur informed that the Gram Panchayat of Village Dhariwal Khichian, Tehsil and District Gurdaspur have given request for the repair of the eroded banks of UBDC main line canal apprehending danger of breach during flood in rainy season.
- # Acting upon the request of the Gram Panchayat UBDC canal was stopped upto 24.2.2024 for necessary repair at different places.
- # The repair work on bank was carried out at area in Village Dhariwal Khichian, Tehsil and District Gurdaspur where major portion of the banks had eroded due to high discharge in the canal during current season.
- # The repair was carried out by the Department through MGNREGA labour by placing empty cement bags filled with sand / soil alongwith the bank of canal to protect further erosion.
- # To speed up the work of repair JCB machine was placed at site so that the work can be completed in time bound manner.
- # After the news on Babushahi, the JCB of the Sh. Baljit Singh was seized by the SHO, Purna Shala and kept in Police record. The JCB was release later after inquiring the matter.
- # From the above-mentioned facts, it is clear that no mining was carried out at site in question and there was only repair of canal.
- # Further Xen Mining, was also contacted telephonically to enquire that is there any mining site in the nearby area, he informed that there is no mining site in the radius of 5 Km of the site under complaint.

Sd/- (Rep. of Canals, SDO Canals, Gurdaspur)	Sd/- (Rep. of PPCB, A.E.E, R.O, Batala)
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Name & Address of place: R.D - 135, 600 Right side bank of main line of Upper Bari Doab Canal [UBDC] near, Seera Kendra of Village Dhariwal Khichan, Tehsil & Dist Gurdaspur.

Name of Person Contacted: Sh. Sanjeev Kumar, SDO, Gurdaspur Canals

Date of visit: 26-03-2024

Name of Visiting officer: E. Simarpreet Singh, AEE

Observations

SDO, Canal Gurdaspur informed that the gram panchayat of village Dhariwal Khichan, Teh & Dist Gurdaspur have given reports for the repair of the eroded banks of the UBDC main line Canal apprehending danger of breach during floods in coming season.

Acting upon the request of the gram panchayat UBDC Canal was stopped upto 24-02-2024 for necessary repairs at different places.

The repair work on banks was carried out at area in village Dhariwal Khichan Tehsil & Dist Gurdaspur, where major portion of the banks had eroded due to high discharge in the Canal during current season.

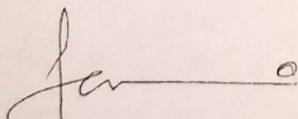
The repair work was carried out by the department through MGNREGA labour by placing EC [Empty Cement] bags filled with sand/silt along with banks of Canal to protect further erosion.

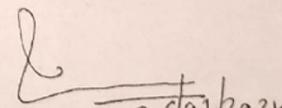
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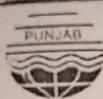
After the news on Babu shahi the JCB of the Sh. Baljot Singh was seized by the SHO, Pirana Shallo, & kept in police record. The JCB was released later after inquiring the matter.

From the above mentioned facts, it is clear that no mining site was carried out site in question & there was only repair of Canal.

Further, XEN, Mining was also contacted telephonically to inquire that is there any other mining site in the nearby area. He informed that there is no mining site in the radius of 5Km of the site under complaint


(Rep of Canals,
SDO, Canals
Kurdespur


26/03/2024
(Rep of PPCCB)
AES, Ro, Batah



PUNJAB POLLUTION CONTROL BOARD



Regional Office, Plot No. 66, Focal Point, Near- Little Paragon Modern School,
Aliwal Road, Batala, District-Gurdaspur

Tele Fax:- 01871-226033

Website:- www.ppcb.gov.in

email:- ppcbatala@gmail.com

811

No. 916

Date: 2 /04/2024

To

Annexure R 2/B

The Executive Engineer,
Drainage-cum-District Mining Officer,
Gurdaspur.

Sub:- Regarding O.A. No. 246/2024 News item titled "Gurdaspur Video of illegal sand mining goes viral, proba on" appearing in Babushahi dated 07.02.2024.

It is intimated that the subject cited OA has been registered suo motu on the basis of the news item titled "Gurdaspur Video of illegal sand mining goes viral, proba on" appearing in Babushahi dated 07.02.2024.

The Hon'ble National Green Tribunal (Principal Bench), New Delhi was pleased to pass an order dated 18.03.2024 (Copy attached).

In view of above said orders, the following information in respect of the District Gurdaspur is required for filing reply in the said matter.

1. Name of the mining site(s) with in the District which has obtained permissions from your good office.
2. Compliance of use of technology & electronic surveillance such as geo tagging, geo fencing & electronic surveillance by unmanned aerial vehicles (UAVs) for the monitoring of mining sites.
3. Name of the mining site(s) operating without obtaining permission from your good office, if any.

You are, hereby, requested to send the above mentioned information (1 to 3) by 03.04.2024, positively, so that the information may be complied and the same may be incorporated in the reply to be filed before the Hon'ble National Green Tribunal.

Please treat it as MOST URGENT being dated bound/Hon'ble National Green Tribunal case.

DA/As above.

Environmental Engineer,
Regional Office, Batala

OFFICE EXECUTIVE ENGINEER, DRAINAGE-CUM-MINING &
GEOLOGY DIVISION GURDASPUR.

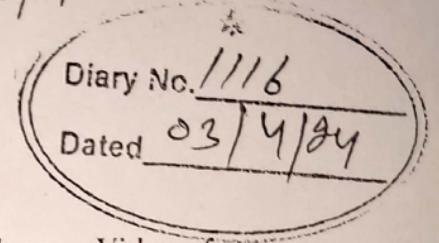
No. 580 /Mining

AGE II
R2

Dated 03/04/2024

To,

Environmental Engineer
Regional Office.
Batala.



Subject: - Regarding O.A. No. 246/2024 News item titled "Gurdaspur Video of illegal sand mining goes viral, proba on" appearing in Badushahi dated 07.02.2024.

Reference: - Your office letter No. 916 Dated 02/04/2024

In this regard reply of the information desired vide letter under reference is as under: -

- 1) It is submitted that there are 16 No. of Mining sites in District Gurdaspur which are approved in District Survey Report of 2023. However no site is operational due to International Border issues and Biodiversity Conservation Act.
- 2) It is submitted that 17 No. of Cameras are installed at various check post in District Gurdaspur to keep a check on illegal mining.
- 3) It may be considered as nil.

This is for your information and further necessary action please.

Executive Engineer/Gurdaspur,
Drainage-Cum-Mining & Geology Division,
WRD, Punjab.

From

The Sr. Superintendent of Police,
Gurdaspur.

To,

The Deputy Commissioner,
Gurdaspur.

No. 13188/ACC Dated 19-03-2024

Subject:

Notice of hearing in Suo Motu matter in re: News item appearing in Babushahi dated 07.02.2024 entitled "Gurdaspur Video of illegal sand mining goes viral, probe on".

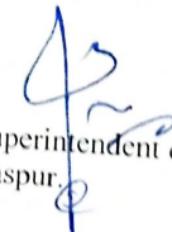
Memo

Kindly refer to your office letter No. 1737/FRC dated 18.03.2024, on the subject cited above.

In this regard, it is submitted that as per the report of SP/Investigation, Gurdaspur and it is observed that on a video going viral related to the illegal mining at Upper Bari Doab Canal located at Vill. Dhariwal Khichian, then posted SI Karishma, SHO PS Purana Shalla moved to the spot of occurrence and took JCB Machine in Police Custody and also recorded same on the spot. Thereafter Sh. Sajan Sharma, SDO, UBDC, Gurdaspur intimated vide letter No. 4/SPL dated 06.02.2024 that on the basis of complaints received from local residents for the repair of canal track of Upper Bari Doab Canal passing through Vill. Dhariwal Khichian to avoid any unpleasant occurrences, the repair work was under going on 06.02.2024 at 2.00 PM. Some miscreants has misinformed that the illegal mining was under going but infact there was the work for repair of tracks was under going and there was no occurrence of illegal mining.

On finding the information regarding illegal mining being false. SHO PS Purana Shalla recorded DDR No. 24 dated 07.02.2024 and released the JCB Machine to Baljit Singh s/o Sukhdev Singh r/o Ghot Pokhar.

Report submitted please.


1 Sr. Superintendent of Police,
Gurdaspur.