

**Before the Hon'ble National Green Tribunal, New Delhi
(Principal Bench)**

In the matter of

Original Application No. 52/2024

Navjot Singh Sidhu & Ors.

...Applicant (s)

Versus

State of Punjab & Ors.

.... Respondent (s)

Reply on behalf of Punjab Pollution Control Board (respondent no.3) through Er. Birdevinder Singh, Environmental Engineer Regional Office, Rupnagar in compliance to order dated 21.05.2024.

Respectfully showeth:

- 1) That the applicant in the present case has raised the grievance related to illegal sand mining in District Rupnagar of the State of Punjab. The plea taken by the applicant is that the District Survey Report (DSR) for Rupnagar for 2023 was published under the "Sustainable Sand Mining Management Guideline-2016" (SSMMG-2016) and "Enforcement & Monitoring Guidelines for Sand Mining" (EMGSM-2020) but the said report failed to incorporate the basic measures to be undertaken to stop illegal mining. A prayer has been for revising the DSR and to take immediate remedial measures to stop the illegal mining.
- 2) That the case has been registered as Original Application No. 52 of 2024 by the Hon'ble National Green Tribunal and vide order dated 15.1.2024 the applicant was directed to serve the respondents and file an affidavit of service on or before 11.3.2024. However, no one had appeared before the Hon'ble National Green Tribunal on behalf of the applicant on 11.03.2024 and even affidavit of service has not been filed by the applicant. However, keeping in view the importance of the case, the Hon'ble National Green Tribunal was pleased to issue the notices to the respondents including the Punjab Pollution Control Board vide order dated 21.05.2024 with direction to file response.
- 3) That in compliance to the order dated 21.05.2024, it is submitted that the process of preparing the District Survey Report has been initiated by the Government after the passing of the orders dated 10.11.2021 by the Hon'ble Supreme Court of India in Civil Appeal No. 3661-3662 of 2020 the District Survey Report were prepared in accordance with the provisions of the Sustainable Sand Mining Management Guideline, 2016 and Enforcement & Monitoring Guidelines for Sand Mining, 2020 of the Ministry of Environment, Forest and Climate Change. The preparation of District Survey Report is helpful in scientific and systematic mining. The potential sites in the District Survey Report were identified on the basis of pre and post

monsoon surveys conducted by the consultant accredited by the National Accreditation Board of Education and Training/Quality Control Council of India in terms of Office Memorandum of Ministry of Environment, Forest and Climate Change dated 16.03.2010. The District Survey Report of district Rupnagar had been prepared by RSP Green Development and Laboratories Private Limited, which is accredited Environment Impact Assessment (EIA) Consultant with National Accreditation Board for Education and Training with validity up to 02.09.2024.

- 4) That apart from the above, the Government of Punjab, Department of Mines and Geology is implementing the Punjab State Minor Mineral Policy, 2023 and the Punjab Crusher Policy, 2023 in order to contain the illegal mining. The Government of Punjab, Department of Mines and Geology has undertaken a comprehensive review of various orders passed by the department for ensuring the compliance of the orders of the Hon'ble National Green Tribunal and has passed an order no. E-526419/WR-PROJ/12/2023-PJ6/193 dated 15.07.2024. The said order dated 15.07.2024 has been endorsed to the Punjab Pollution Control Board vide letter endorsement no. E-526419/WR-PROJ/12/2023-PJ6/193/1-5 dated 15.07.2024 and a copy of the same is enclosed as **Annexure R 3/A**.
- 5) That it is relevant to mention here that only three mining sites (which have been approved under DSR of Rupnagar) are in existence at present in the District of Rupnagar. Two sites are having valid consent to operate of Board under the provisions of the Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981, whereas consent to operate of one mining site has been expired. The list of three mining sites which are in existence is enclosed as **Annexure R 3/B**. However, all the three mining sites at present are not operational and are lying closed temporarily upto 30.09.2024 due to rainy season.
- 6) That the reply on behalf of the Punjab Pollution Control Board (Respondent No. 03) is here by submitted in compliance to order dated 21.05.2024 for kind consideration of the Hon'ble Tribunal.

Date: 06.09.2024

Place: Rupnagar.

Submitted by



Er. Birdevinder Singh,
Punjab Pollution Control Board,
Regional Office, Rupnagar

GOVERNMENT OF PUNJAB
DEPARTMENT OF MINES & GEOLOGY

ORDER

NO: E-52 8419/WR-PROJ/12/2023-PJG/193 DATE: 15th JULY, 2024

1. The Hon'ble National Green tribunal (NGT), vide orders dated 10.12.2020 in the matter of OA no. 57 of 2020, has directed the State of Punjab to limit the number of Crusher Units as per carrying capacity of legitimate source of raw material. The operative part of the said orders is as below:-


"We thus find it necessary to direct the State of Punjab to take remedial action of suitably limiting the number of stone crushers as per carrying capacity of legitimate source of raw material and taking stringent action taken against the stone crushers not having accountable sources of raw materials for stone crushing. A suitable mechanism for the purpose may be evolved by the Chief Secretary, Punjab within one month from today and remedial action taken expeditiously, preferably within three months thereafter"

2. Various steps have been taken, from time to time, to implement the directions of NGT
3. Now a comprehensive review of the various orders passed by the Department of Mines & Geology for ensuring compliance of the orders of NGT has been undertaken. Thereafter, the following issues were framed-
 - a. The spatial distribution of quantity of River Bed Material (RBM) in the State.
 - b. The spatial distribution of Crusher Units in the State
 - c. The possible linkage of a Crusher Unit to a source of RBM in its vicinity. For determining this data a reasonable assumption is being made of the viable distance for sourcing of RBM by any Crusher Unit. Thereafter possible linkages shall be ascertained by determining the source(s) of RBM within a circular spread, equal, in radius to such a viable distance, around such a Crusher Unit/ Crusher Unit Cluster.
 - d. Areas where the source of RBM stands fully "exploited" i.e. the total quantity of RBM in such a source is less than the total annual RBM required by the Crusher Unit(s) linked to it
 - e. Assumption of the running time of a Crusher Unit.
 - f. A ban on establishment of Crusher Units in areas identified in para (d) above.
 - g. The period of review of the data / calculations and consequent periodic lifting of restrictions, if any.
4. After due consideration to the above issues it is hereby ordered that-
 - a. In future only those Crusher Units shall be registered by the Director, Mines & Geology which, as per Punjab Crusher Policy 2023, have obtained *Consent to Establish* from the Punjab Pollution Control Board after due verification of legal source of material.

- b. In case of New Crusher Units, whose *Consent to Establish* was issued by the Punjab Pollution Control Board before June 15, 2024 without any such verification of legal source of material, the Director, Mines & Geology shall verify the legal source before registering the New Crusher Unit for the first time.
- c. The criteria for verification of the legal source of material for New Crusher Units shall be as under:
 - i. Commercial Mining Sites (CMS), within a 20 KM or 25 KM radius from the New Crusher Unit shall be considered.
 - ii. Director, Mines & Geology shall link the Crusher Unit /Crusher Unit Clusters (within which the Crusher Unit is proposed to be established) with operational CMS sites within a radius of 20 KM / 25 KM from such a Unit/Cluster for determining the availability of material for the New Crusher Unit. At least one of these two calculations should be favourable for the new Crusher Unit for its Registration.
 - iii. There shall be a ban on Registration of Crusher Units in Areas where the source of RBM stands fully "exploited" i.e. the total quantity of RBM in such a source is less than the total annual RBM required by the Crusher Unit(s) linked to it (assuming that each Crusher Unit runs at 75% capacity for 300 days in a year).
 - iv. The list of CMS sites which have surplus material shall be prepared every year in the month of February. List of CMS sites having surplus material for year 2024-25 is attached as Annexure-A.
 - v. Additionally, operational de-silting sites and sites containing stacked material from de-silting operations within the district/neighbouring District(s) shall also be taken into account for verifying the legal source, provided that RBM from such sites is available for sale by the Department of Water Resources or by a person authorised by it. The list of such operational de-silting sites, is attached as Annexure-B.
 - vi. For Crusher Units established within Punjab but situated near its borders with the States of Haryana / Himachal Pradesh and the Union Territory (U.T.) of Jammu & Kashmir, a report from these States/ U.T., confirming that surplus RBM is available for sale from a legal mining site within a radius of 25-kilometer from the Crusher Unit, shall suffice to verify the legal source. After receiving the report from these states, the details of such Mining sites in Annexure C shall be published.
- d. A registered Crusher Unit shall also be permitted to source raw materials from any other legitimate source, and in all such cases the concerned District Mining Officers shall verify the legitimate source while checking the monthly returns filled by Crusher Units. In case of any discrepancy, action shall be immediately taken as per Punjab Crusher Policy 2023 (as amended) and PMMR, 2013.
- e. The attached Annexures (A, B and C) shall be reviewed every year in the month of February & updated accordingly.
- f. The Department of Mines & Geology shall normally conduct a bi-annual review of this Order to resolve any issues that are faced in the implementation of this Order. However, the Director, Mines &


Geology may, where the situation so warrants, recommend an earlier review for reasons to be recorded in writing.

5. All words / expressions in this Order shall have the same meaning as provided in the *PUNJAB CRUSHER POLICY 2023*.
6. In the event of any lack of clarity / conflict in any part of the Order, the clarification issued by the Director, Mines & Geology shall be final.
7. These Orders shall come into force with immediate effect.


Secretary, Government of Punjab
Department of Mines & Geology

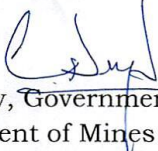
Endst No: E-526419/WR-PROS/12/2023-856/193/1-5 Date: 15-07-2024
A Copy is forwarded to-

1. Chairman, PPCB with a request to issue necessary instructions to concerned officers to get the legal source of raw material verified from the Department of Mines & Geology Department before issuing *Consent to Establish* to new Crusher Units.
2. Director, Mines and Geology to ensure compliance of these orders.
3. Chief Engineer, Mining for compliance
4. All Superintending Engineers, Mining for compliance
5. All District Mining Officers for compliance


Secretary, Government of Punjab
Department of Mines & Geology

Endst No: E-526419/WR-PROS/12/2023-856/193/6 Date: 15-07-2024
A Copy is forwarded to-

1. All Deputy Commissioners in the State for information


Secretary, Government of Punjab
Department of Mines & Geology

Sr. No.	Name & Address of the Mining Site(s) operating with consent to operate of the Board under the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981	Name of the Contractor	CTO Validity	Capacity
1.	M/s SROWANA HP CENTRE Village Chandpur, Cluster 29, Tehsil Sri Anandpur Sahib, District Rupnagar, Chandpur, ANANDPUR SAHIB, RUPNAGAR	Tikka Singh, (Proprietor)	Valid upto 05.09.2026	River bed mining of sand (8.20 hectare, @ 70307 TPA)
2.	Malana Public Mining Site, Malana, CHAMKAUR SAHIB, RUPNAGAR	Harshant Verma, (Executive Engineer Cum District Mining Officer)	Expired on 30.06.2024	River bed mining of sand (6.84 hectare, @ 62772 TPA)
3.	Alowal Public Mining Site, Anandpur Sahib, Rupnagar (Pending)	Harshant Kumar (Executive Engineer cum District Mining Officer)	Validity upto 31.03.2025	SAND @ 15045 MT/Year