

From

The Director General of Police,  
Haryana, Panchkula.

To

The Registrar General,  
National Green Tribunal,  
New Delhi  
(Through Email ID judicial-ngt@gov.in)

No. **23878 /L&O-4** dated Panchkula, the **18.10.2023**

**Subject;- O.A. No. 362 of 2022 titled as Aravali Bachao Citizens Movement versus Union of India and others.**

Memo.

In this connection, please find enclosed herewith an affidavit of Sh. Sanjay Kumar, IPS, IGP/Law & Order, Haryana on behalf of Director General of Police, Haryana in compliance of order dated 28.04.2023 in O.A. No. 362 of 2022 titled as Aravali Bachao Citizens Movement versus Union of India and others.

  
Superintendent

for Director General of Police, Haryana

**IN THE HON'BLE NATIONAL GREEN TRIBUNAL AT NEW  
DELHI**

O.A. No. 362 of 2022

Aravalli Bachao Citizens Movement

...Petitioner

Versus

Union of India and others

...Respondent

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Superintendent  
for Director General of Police, Haryana

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

O.A. No. 362 OF 2022

Aravalli Bachao Citizens Movement.

... Applicant

Versus

Union of India and Others.

... Respondents

**COMPLIANCE REPORT BY WAY OF AFFIDAVIT OF SANJAY KUMAR, I.P.S., INSPECTOR GENERAL OF POLICE, LAW AND ORDER, HARYANA ON BEHALF OF DIRECTOR GENERAL OF POLICE, HARYANA.**

**RESPECTFULLY SHOWETH:**

I, the above named deponent do hereby solemnly affirm and declare as under: -

1. That it is submitted that the deponent is posted as Inspector General of Police, Law and Order, Haryana at Police Headquarters, Panchkula and is submitting this compliance report by way of affidavit.
2. That it is submitted that the above captioned application is fixed for hearing on 19.10.2023. Earlier, the application came up for hearing on 28.04.2023 and this Hon'ble Tribunal was pleased to issue directions to various authorities including the Director General of Police, Haryana. Compliance Report with regard to each direction is submitted as under:-



That in Para No. 21 of the order dated 28.04.2023 this Hon'ble Tribunal

observed and directed as under:-

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*“...as per information provided It may be observed here that as per information provided in the affidavit dated 12.04.2023 of Mr. Sanjay Kumar, I.P.S., Inspector General of Police, Law and Order, Haryana out of 8 criminal cases decided by the Courts so far, in one case the accused has been convicted while in 7 cases the accused have been acquitted. In State of Gujarat vs. Kishanbhai Etc. (SC) 2014 (1) R.C.R. (Criminal) 549 Hon'ble Supreme Court noticed high incidence of acquittal due to defective investigation and directed that defects in investigation may be remedied by analyzing causes of acquittal and action be taken against erring Investigating Officer. In view of the directions given by Hon'ble Supreme Court, the Director General of Police, Haryana is directed to take appropriate steps for compliance regarding analyzing causes of acquittal in cases pertaining to illegal mining and illegal transportation of minor minerals and taking of action against erring Investigating Officers and remedying the defects in cases pending for investigation or trial.”*

In this regard, it is submitted that 02 out of 07 FIRs relate to Police Commissionerate, Gurugram, 01 FIR relate to Police Commissionerate, Faridabad and 04 FIRs relate to District Nuh.

As per information received from Deputy Commissioner of Police, South, Gurugram vide his office Memo No. 5877 dated 13.10.2023, two (02) FIRs in acquittal cases in Gurugram Commissionerate were put before the Committee constituted in compliance of *directions* of Hon'ble Supreme Court passed in *State*

*of Gujarat vs. Kishanbhai Etc. (SC) 2014 (1) R.C.R. (Criminal) 549 case.* As per

recommendations of the committee, no lapse has been recorded by Learned Trial Court in the judgements qua Investigating Officer or Public Prosecutor.



18 OCT 2023

As per information received from Commissioner of Police, Faridabad vide his office Memo No. 14586 dated 08.08.2023, one (01) FIR, in acquittal case in Faridabad Commissionerate was put before the Committee constituted in compliance of *directions* of Hon'ble Supreme Court passed in *State of Gujarat vs. Kishanbhai Etc. (SC) 2014 (1) R.C.R. (Criminal) 549 case*. As per recommendations of the committee no fault of Investigating Officer has been found.

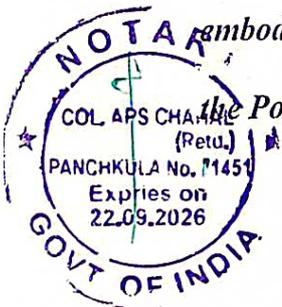
Whereas, the Superintendent of Police, Nuh vide his office Memo. No. 31671-72 dated 03.10.2023 has informed that four (04) FIRs in acquittal cases in Nuh have been discussed by the Committee constituted in compliance of *directions* of Hon'ble Supreme Court passed in *State of Gujarat vs. Kishanbhai Etc. (SC) 2014 (1) R.C.R. (Criminal) 549 case*, on 22.09.2023 and as per recommendation of the committee, Show Cause Notice(s) will be issued to all investigating officers in 04 cases and further necessary action will be taken accordingly.

(ii) That in Para No. 23 of the order dated 28.04.2023 this Hon'ble Tribunal observed and directed as under: -

*"The legal opinion given by the Public Prosecutor in one of the cases copy of which is also attached with the report submitted by the DGP, Haryana offends the statutory provisions and ignorers the judicial precedents and is patently wrong and it follows from the above referred statutory provisions*

*embodied in the MMDR Act and Judgments of Hon'ble Supreme Court that*

*the Police is bound to register FIR immediately on receipt of complaint of illegal*



18 OCT 2023

*mining and illegal transportation of minor mineral and cannot delay or refuse registration of FIR. No doubt as per section 22 of MMDR Act, no court can take cognizance of an offence under the MMDR Act or the Rules framed thereunder except upon a complaint made in writing by an authorised person but the question of taking of cognizance arises only on presentation of charge-sheet and Section 22 of the MMDR Act does not bar registration of FIR and investigation by the Police even in respect of offence punishable under Section 21 of the MMDR Act. "*

In this regard, it is submitted that this office has issued directions to all field units vide Memo. No. 18066-99/L&O-4 dated 29.08.2023 to register FIR under Section 379 of IPC and / or 21 of MMDR on receipt of complaint regarding illegal mining and illegal transportation of minerals. A copy of the Memo is annexed as **Annexure R-I** for kind perusal of this Hon'ble Tribunal. Further, it is submitted that all field units have conveyed that compliance of above directions is being made. However, it is brought to kind notice of the this Hon'ble Tribunal that after registration of FIR the accused/ defaulter does not pay penalty/ environmental compensation under MMDR Act/ Rules.



(iii) That in Para No. 25 of the order dated 28.04.2023 this Hon'ble Tribunal observed and directed as under: -

*"Accordingly, the Director General of Police Haryana is directed to issue appropriate directions to the SHOs of the concerned Police Stations to register FIR on the basis of all such complaints out of 44 complaints made by the*

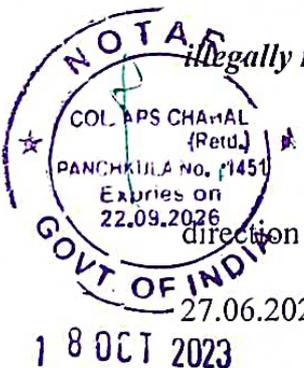
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*Mining Department as disclose commission of cognizable offence punishable under Section 379 of the IPC and/or Section 21 of the MMDR Act and also to issue instructions to the SHOs of all Police Stations to register FIR immediately on receipt of complaint regarding illegal mining and illegal transportation of mined material disclosing commission of cognizable offence punishable under Section 379 of the IPC and/or Section 21 of the MMDR Act. Action Taken report in this regard may be filed before this Tribunal in this regard on or before the next date of hearing hereby fixed in the case."*

It is submitted that FIRs have been duly registered on all 44 complaints in District Nuh which were earlier sent back to Mines and Geology Department and investigation is being conducted.

(iv) That in Para No. 28 of the order dated 28.04.2023 this Hon'ble Tribunal observed and directed as under: -

*"In the present case neither the Police nor the Mining Department seems to have given any information to HSPCB and no proceedings for imposition of environmental compensation and no steps for reclamation/rehabilitation of illegally mined land appear to have been taken."*



It is submitted that in compliance of above, this office has issued direction to all field units in Haryana vide Memo No. 12262-94/L&O-4 dated 27.06.2023 vide which it has been directed that information about lodging of FIRs of illegal mining be sent to the Haryana State Pollution Control Board, so that proceedings for realization of environmental compensation can be initiated by the HSPCB as prescribed in various orders/ judgements of the Hon'ble Courts.

A copy of the Memo is annexed as **Annexure R-II** for kind perusal of this Hon'ble Tribunal.

(v) That in Para No. 44 of the order dated 28.04.2023 this Hon'ble Tribunal observed and directed as under: -

*"We are of the view that in all such cases where superdari applications are filed before the Court of Judicial Magistrate, alternative prayer for directing the applicant to deposit in Court an amount equal to the penalty imposed by the authorities concerned or part thereof, in addition to any other condition which the Court considers appropriate, may be made in view of observations made by Hon'ble High Court of Punjab and Haryana in para 45 (iv) of its judgment in K.C. Stone Crushing Co. Case (Supra). "*

It is submitted that in compliance of above direction, this office has issued directions to all field units in Haryana vide Memo No. 12262-94/L&O-4 dated 27.06.2023. A copy of the Memo is annexed as **Annexure R-II** for kind perusal of this Hon'ble Tribunal. All units have submitted that compliance of above directions is being made and alternative prayer would be filed before Ld. Trial Court as and when Superdari application for release of vehicle is filed.

3. That it is submitted that in view of observations made by this Hon'ble Tribunal in para 54 of the order dated 28.04.2023 the Director, Haryana Police Academy, Madhuban has been directed to organize two days training

program for Police personnel posted in Police Stations under jurisdiction of

Haryana State Enforcement Bureau, Panchkula in the month of November, 2023

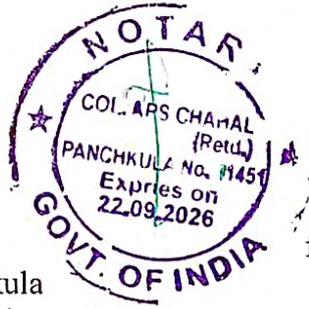


18 OCT 2023

with a copy to ADGP, Haryana State Enforcement Bureau, Panchkula to ensure that Police personnel posted in the Police Stations under his jurisdiction are deputed for training program as and when it is organized in Haryana Police Academy, Madhuban.

Above Compliance report by way of affidavit is submitted for kind consideration of the Hon'ble Tribunal.

18 OCT 2023



Place: Panchkula  
Dated: 18/10/2023

DEPONENT  
(Sanjay Kumar)  
IGP/Law and Order  
for Director General of Police, Haryana

**VERIFICATION:**

Verified that the contents of para No. 1 to 3 of the above affidavit are true and correct to my knowledge based upon information derived from official records. No part of it is false and nothing material has been concealed therein.

DEPONENT  
(Sanjay Kumar)  
IGP/Law and Order  
for Director General of Police, Haryana

Place: Panchkula  
Dated: 18/10/2023

18 OCT 2023

ATTESTED  
  
APS CHAHAL NO. 11451  
NOTARY, PANCHKULA

WAN/FAX  
NGT Matter

CRASH

From Director General of Police,  
Haryana, Panchkula.

To 1. All CsP in Haryana. (by name)  
2. All District SsP in Haryana. (by name)  
3. DCP, Panchkua. (by name)

CC 1. All Range ADsGP and IsGP in Haryana.  
2. DCP/East, Gurugram.  
3. PA to DGP, Haryana. (By hand)  
4. Reader to ADGP/ Law and Order. (By hand)  
5. Reader to IGP/ Law and Order Haryana. (By hand)

No. 18066-99/L&O-4 dated Panchkula the 29.08.2023

Sub. **Original Application No. 362/2022 titled as Aravalli Bachao  
Citizens Movement Vs. Union of India & ors.**

Memo.

Please refer to this office letter No. 12262-94/L&O-4 dated 27.06.2023 on subject mentioned above.

2. It is mentioned that in para 25 of the order dt. 28.04.2023 of Hon'ble NGT in above case, it has been directed to register complaint regarding illegal mining and illegal transportation of minerals for cognizable offence u/S 379 of IPC and/or 21 of MMDR. But, no unit has made above necessary submission in their affidavit. Therefore, all units are requested to make above correction in their affidavit accordingly.

3. In view of para 54 of the order it has been directed to ensure that appropriate section(s) under the applicable laws are enacted in each case and sufficient evidence is collected and produced before the Ld. Trial Courts. It is mentioned here that an SOP titled **Investigation of Cases of Illegal Mining**, dated 10.10.2019 (**copy enclosed**) has been issued by this office. Therefore, all units are requested to send compliance report of above SOP and any other steps taken in compliance of para mentioned.

4. In view of para 38, it is requested that information of FIRs of illegal mining is to be sent to the Haryana State Pollution Control Board, so that proceedings for realization of environmental compensation can be initiated by the HSPCB as prescribed in various orders/ judgments of the Hon'ble Courts and Hon'ble NGT. But, **SsP/ KKR, DDR, FTB, JND, RWR, NNL & PWL** have not submitted in their affidavits, whether information of FIRs has been sent to HSPCB, only it has been mentioned that directions has been circulated.
5. It was requested vide letter under reference to send the information of all the FIRs registered for illegal extraction/ illegal transportation of minerals to the Mines and Geology Department, so that further action, as per law, can be taken by the concerned department. But, **SsP/ KKR, DDR, FTB, JND, RWR & NNL** have not submitted in their affidavits, whether information of FIRs has been sent to HSPCB, only it has been mentioned that directions has been circulated.
6. In view of para 54, it was requested to ensure that investigation in pending cases is completed at the earliest and final reports are submitted before Ld. Trial Court. On examination of monthly report of the details of the cases of Mining Act from January, 2023 to June 2023, it has been observed that in units FBD, PKL, AMB, KKR, YNR, KNL, RWR, NNL & NUH there are large number of cases which are Under Investigation. Therefore, it is requested to **CsP/ PKL, FBD and SsP/AMB, KKR, YNR, KNL, RWR, NNL & NUH** and DCP/Panchkula to expedite the investigation in pending cases and send Action Taken Report in this regard in 2 weeks positively.
7. In view of the para 44 of the order it was requested to report whether or not alternative prayer before the Court of Judicial Magistrate is being filed for directing the applicant to deposit an amount equal to penalty amount imposed the concerned authorities. **It has been observed that CsP/ PKL & FBD and SsP/ JND, FTB, SRS, HNS, JJR, PPT, KTL, KNL, YNR, AMB**

have submitted that directions have been issued, but compliance report has not been submitted. 993

8. In view of the above shortcomings, it is requested to send the compliance report/ ATR in the shape of affidavit, after taking necessary action at the earliest, latest by 15.09.2023 positively. It is mentioned here that non-compliance with the directions of Hon'ble NGT is a punishable offence u/S 26 of the NGT Act, 2010. Therefore, it is requested to ensure strict compliance.

Sd/-

**Superintendent**

for Director General of Police, Haryana

True Copy  
[Signature]

Superintendent  
For Director General of Police,  
Haryana, Panchkula.

WAN/FAX  
NGT Matter

CRASH

From Director General of Police,  
Haryana, Panchkula.

To 1. All CsP in Haryana.  
2. All District SsP in Haryana.  
3. DCP, Panchkua.

CC 1. All Range ADsGP and IsGP in Haryana.  
2. DCP/East, Gurugram.  
3. PA to DGP, Haryana. (By hand)  
4. Reader to ADGP/ Law and Order. (By hand)  
5. Reader to IGP/ Law and Order Haryana. (By hand)

No. 12262-94/L&O-4 dated Panchkula the 27.06.2023

Sub. **Original Application No. 362/2022 titled as Aravalli Bachao  
Citizens Movement Vs. Union of India & ors.**

Memo.

It is intimated that subject cited case came for hearing before Hon'ble National Green Tribunal, New Delhi on 28.04.2023. Please find enclosed herewith a copy of order dt. 28.04.2023 of the Hon'ble Tribunal in the above case.

2. The Hon'ble NGT has passed some directions in this regard. It is therefore requested to take following steps:-

- (i) To take steps to ensure meticulous compliance of all directions of Hon'ble NGT pertaining to this department. It is also requested to send pointwise Action Taken Report/ Compliance Report in 10 days.
- (ii) In view of para 38, it is requested that information of FIRs of illegal mining be sent to the Haryana State Pollution Control Board, so that proceedings for realization of environmental compensation can be initiated by the HSPCB as prescribed in various orders/ judgments of the Hon'ble Courts and Hon'ble NGT.
- (iii) It is also requested to send the information of all the FIRs registered for illegal extraction/ illegal transportation of minerals to the Mines and

Geology Department, so that further action, as per law, can be taken by the concerned department.

- (iv) It is requested to ensure that investigation in pending cases is completed at the earliest and final reports are submitted before Ld. Trial Court. The compliance/ status report may be sent to this office in 10 days.
- (v) It is requested to ensure that appropriate section(s) under the applicable laws are enacted in each case and sufficient evidence is collected and produced before the Ld. Trial Courts.
- (vi) It is also requested to comply with the direction of the Hon'ble Tribunal issued vide para 44 of the order which is reproduced as under: -

*"We are of the view that in all such cases where superdari applications are filed before the Court of Judicial Magistrate, alternative prayer for directing the applicant to deposit in Court an amount equal to the penalty imposed by the authorities concerned or part thereof, in addition to any other condition which the Court considers appropriate, may be made in view of the observations made by Hon'ble High Court of Punjab and Haryana in para 45 (iv) of its judgment in K.C. Stone Crushing Co. Case (Supra)."*

It is requested to implement the above directions of Hon'ble NGT in letter and spirit and send Action Taken Report/ compliance report to this office in 10 days positively.

Sd/-  
**(Sanjay Kumar)**  
IGP/Law & Order  
for Director General of Police, Haryana.

*Truf Corp*  
*[Signature]*

Superintendent  
For Director General of Police,  
Haryana, Panchkula.

Endst. No. /L&O-4 dated Panchkula the

A copy of above, along-with its enclosure, is forwarded to the following for information:-

1. Director, Mines & Geology Department, Haryana, Panchkula.
2. Chairman, Haryana State Pollution Control Board, Panchkula.

Sd/-

**(Sanjay Kumar)**  
IGP/Law & Order  
for Director General of Police, Haryana.

*True copy*  
*[Signature]*

Superintendent  
For Director General of Police,  
Haryana, Panchkula.