BEFORE THE NATIONAL GREEN TRIBUNAL,
PRINCIPAL BENCH, NEW DELHI

Original Application No. 248/2024

IN THE MATTER OF:-

News item titled, "six vehicles used in illegal sand mining seized in Haryana's Nuh, appearing in the Hindustan Times dates 10.02.2024.

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District Magistrate, Nuh

Date: 17-03-2024
Place: Nuh

BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

Original Application No. 248/2024

IN THE MATTER OF:-

News item titled, "six vehicles used in illegal sand mining seized in Haryana's Nuh, appearing in the Hindustan Times dates 10.02.2024.

Report of Sh. Dhirendra Khadgata, IAS, District Magistrate, Nuh (Respondent No.3).

Most Respectfully Showeth:-

1. That this Hon'ble Tribunal took cognizance of News item published in Hindustan Times dated 10.02.2024 entitled "Six vehicles used in illegal sand mining seized in Haryana's Nuh" and vide notice dated 02.03.2024, it has been put into notice about listing of present matter on 19.03.2024 for appearance of Noticees including the answering Noticee No.3.

2. That the news item dated 10.02.2024 was published under the head 'Six vehicles used in illegal sand mining seized in Haryana's Nuh'. It is submitted that District Administration, Nuh (Mewat) with assistance of Office of Superintendent of Police, Nuh(Mewat) is committed to prevent and control of illegal mining in the District Nuh(Mewat).

3. That the District Level Task Force Committee under the Chairmanship of Undersigned examines the issue of illegal mining instances and action taken by the departments concerned thereon. Meeting of the District level Task Force is

held once in a month to review the incidents of illegal mining and action taken thereon in this district.

4. That it is pertinent to mention here that Sub Divisional Committee has also been constituted by the undersigned under the Chairmanship of SDM Concerned with SHO concerned, Mining Deptt., Forest Deptt. for effective monitoring of illegal mining. Apart from this, a special mining team has been deputed by the Superintendent of Police Nuh i.e. AVT staff Rojka Meo, Haryana State Enforcement Bureau which inspect the Aravalli range area jointly as well as separately and whenever any instances of illegal mining is found, an prompt action being initiated as per State Rule i.e. seizing of offending vehicles and lodging the FIR against the offenders. It is also pertinent to mention here that there is no organized/ commercial illegal mining in district Nuh.

5. That as per report received from Police Department, Nuh, drone mapping and use of CCTV cameras have been adopted in District Nuh by the Police Department. The steps taken by the Police Department in district Nuh to stop illegal mining and to catch vehicles involved in illegal mining are summarized as under:-

   i. Drone survey is being done once in a week and thereafter suspicious places are being physically verified by the police personnals.

   ii. 13 number of Police Nakas have been setup intra-district (7) and at inter-state boundary (6). At some Nakas, night vision CCTV Footage

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cameras are set up and images are being monitored at control room at SP Office, Nuh.

iii. Joint combing of Para-Military Force and the Haryana Police is being done to indentify the mining prone areas.

iv. A special 'Anti-Mining Staff' has been constituted which do patrolling day and night in illegal mining prone areas, Trenches has been digged on the approach path towards Aravalli range exposable to mining.

v. To create awareness in the community for protection of Aravalli Nuh Police holds tours to hills & session for students. Visit of students of 15 Sr. Secondary Schools have been organized with teachers of Geology, Botany and officials of Forest Department to aware the students about bio-diversity of Aravalli and create atmosphere at public at large to prevent illegal mining.

6. That in furtherance of efforts put by Police Department as mentioned above, during checking on 07.02.2023 and 08.02.2023, four cases were reported pertaining to transportation of mineral without e-ravanna.Vehicles involved were seized on same day. Subsequently, FIR was also registered in all four cases. Copy of four FIRs are annexed herewith as **ANNEXURE-R/1, ANNEXURE-R/2, ANNEXURE-R/3 and ANNEXURE-R/4**.

Other two instances mentioned in the news item pertains to transportation of mineral without e-ravanna noted on 17.01.2024 and to transportation of mineral in excess of e-

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ravanna noted on 24.01.2024. In both cases, vehicles were seized and FIR was registered. Copy of two FIRs are annexed herewith as **ANNEXURE-R/5 and ANNEXURE-R/6**.

7. That issue of illegal mining in three Aravali Districts i.e. Nuh, Faridabad and Gurugram is pending consideration before this Hon'ble Tribunal in OA No.362/2022 (Aravalli Bachao Citizens Movement Vs UoI & Ors.) filed through counsel. This Hon'ble Tribunal while monitoring the mechanism to prevent illegal mining in these Aravali Districts at micro level, has passed latest orders dated 11.12.2023 (**ANNEXURE-R/7**) and 09.01.2024(**ANNEXURE-R/8**). The similar issue has been dealt with by this Hon'ble Tribunal in OA No.295/2021 (H. S. Khatana Vs State of Haryana) which was disposed of vide order dated 09.02.2024 (**ANNEXURE-R/9**) with certain directions.

8. That the District Administration, Nuh is committed to prevent & control the illegal mining / theft of mineral/illegal transportation of mineral with the help of Mining Department, Police department and Haryana State Enforcement Bureau.

District Magistrate, Nuh

Date: 17-03-2024
Place: NUH

Annexure-R/1 5

FIRST INFORMATION REPORT

(Under Section 154 Cr.P.C)

1. District: Haryana State Enforcement Bureau PS.: HSEnB Police Station Gurugram Year : 2024

FIR No.: 986 Date of FIR : 29/02/2024 Time of FIR : 10:50 AM

2. Act(s) & Sections :

S.No.	Acts	Sections
1	Mines and Minerals (Development and Regulation) Act 1957	21(1),21(4)(A),379

3. Occurrence of Offence:

Day: Wednesday Date From: 07/02/2024 Date To: 07/02/2024

Time Period: Time From: 12:25 PM Time To: 12:25 PM

(b).Information received at P.S: Date : 29/02/2024 Time 10:50 AM

(c).General Diary Reference: Entry No.: 51 Time : 10:50 AM

4. Type of Information: Written

5. Place of Occurrence:

1 (a) Direction and distance from P.S.: South, 90 Beat No.:

(b) Address: , , गांव ठेकडा

6. Complainant/Information:

(a) Name: श्री शाहआलमदीन वरिष्ठ खनन रक्षक

(b) Rank:

(c) District: MEWAT

(d) Phone Number: 0

(e) Circle:

(f) Division:

(g) Sub-Division:

(h) Zone:

(i) Department: Mines & Geology

7. Details of known/Suspected/unknown accused with full particulars:

8. Fine Details:

Fine Type	Amount
----	300000

9. Reasons for delay in reporting by the complainant/informant: NO DELAY

10. Particular of Theft: MINING THEFT

11. Total Value of Property stolen(In Rs): 300000

12. First Information content:

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सेवा में थाना प्रबन्धक हरियाणा राज्य प्रवर्तन ब्यूरो गुरुग्राम। वादि कमांक 1869 दिनांक 26-02-2024 विषय - ट्रैक्टर ट्राली नम्बर HR 27L- 5987 के चालक व मालिक के खिलाफ माननीय राष्ट्रीय हरित प्राधिकरण, नई दिल्ली के आदेश दिनाक 23.04.2019 व दिनाक 19.02.2020 की उल्लघनां करने व खान एवम खनिज (D&R) अधिनियम 1957 की धारा 21 (1), 21.4(A), 379 के तहत कानूनी कार्यवाही करने बारे।उपरोक्त विषय में आपको सूचित किया जाता है कि दिनाक 07.02.2024 को हरियाणा राज्य प्रर्वतन ब्यूरो से श्री चन्द्रपाल एस.आई. मय स्टाफ द्वारा ट्रैक्टर ट्राली नम्बर HR 27L- 5987 को गांव ठेकडा में पकड़ा जिसमें अवैध खनिज साधारण मिट्टी लगभग 4 मिट्रिक टन भरी हुई थी। उक्त वाहन का चालक वाहन को मौके पर छोड कर भाग गया। उक्त वाहन को निरीक्षण टीम द्वारा चौकी जयसिंहपुर में लाकर खड़ा किया गया व इस कार्यालय को सूचना दी गई। सूचना मिलने पर इस कार्यालय से श्री शाहआलमदीन वरिष्ठ खनन रक्षक ने खान एवम खनिज अधिनियम (D&R) 1957 की धारा 21 (4) व राज्य खनन नियम 2012 के उपनियम 102 व माननीय राष्ट्रीय हरित प्राधिकरण नई दिल्ली द्वारा पारित आदेश दिनाक 23.04.2019 व 19.02.2020 के अनुसार पृष्ठांकन कमाकं एस.पी.एल. नम्बर 1 दिनाकं 07.02.2024 को सीज करके चौकी जयसिंहपुर में अमानतन खड़ा किया गया ।माननीय राष्ट्रीय हरित प्राधिकरण नई दिल्ली के दिनाक 23.04.2019 व 19.02.2020 के आदेशानुसार उपरोक्त वाहन के मालिक व चालक से प्रर्यावरण क्षतिपूर्ति राशी 2,00,000/- खनिज की रायल्टी रु 14/- कीमत रु 42 जुर्माना राशी 10,000/- ई चालान के माध्यम से सरकारी खजाना में जमा करवानी थी जिसे अभी तक जमा नही करवाया हैं।आपसे अनुरोध है कि उपरोक्त वाहन मालिक व चालक के खिलाफ माननीय राष्ट्रीय हरित प्राधिकरण नई दिल्ली में उपरोक्त आदेशों की उल्लघनां करने बारे व अवैध खनिज परिवहन करने बारे खान एवम खनिज (D&R) अधिनियम 1957 की धारा 21 (1) व 21.4 (A). 379 IPC के तहत कानूनी कार्यवाही करके इस कार्यालय को अवगत करवाने का कष्ट करे । SD- शाहआलमदीन, वरिष्ठ खनन रक्षक ,खनन अधिकारी, खान एवम भूविज्ञान विभाग, नूहं । मोबाईल नं:-9416554747 | उपस्थिती थाना उपरोक्त पत्र:- कमांक 1869 दिनांक 26-02-2024 थाना पर प्राप्त होने पर अभियोग संख्या 986 दिनांक 29.02.2024, खान एवम खनिज(D&R) अधिनियम 1957 की धारा 21 (1) व 21.4 (A), 379 IPC थाना हरियाणा राज्य प्रवर्तन ब्यूरो गुरुग्राम अंकित करके प्रथम सूचना रिपोर्ट की नियमानुसार प्रतियाँ तैयार की गई जो डाक के माध्यम से उच्च-अधिकारियों व ईलाका मैजिस्ट्रेट साहब के पास भेजी जावेगी |अभियोग का आइन्दा अनुसंधान ASI Rajiv 280/JJR द्वारा अमल में लाया जाएगा। अभियोग के हालात से प्रबन्धक अफसर थाना को अवगत कराया गया । नोट यह अभियोग HC Azam Khan 410/PWL की हाजरी में दर्ज किया गया है।

13. Action Taken(Since the above information reveals commission of offence(s)u/s as mentioned at items No.2):

(i)Registered the case and took up the investigation OR

(ii) Directed(Name of the I.O): ASI Rajiv 280/JJR Rank: ASI

No.: 280/JJR

(iii) Refused investigation due to:

(iv) Transferred to P.S(Name):

F.I.R read over to the complainant/information,admitted to be correctly recorded and a copy given to the complainant/informaant,free of cost:

14.

Signature/Thumb Impression of the Complaintant/informant:

Signature of Officer
Name: HC AZAM KHAN 410/PWL
Rank: HC AZAM KHAN 410/PWL
No.

15. Date and Time of despatch to the court: 29/02/2024 10:50 AM

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FIRST INFORMATION REPORT

(Under Section 154 Cr.P.C)

1. District: Haryana State Enforcement Bureau PS.: HSEnB Police Station Gurugram Year : 2024

FIR No.: 988 Date of FIR : 29/02/2024 Time of FIR : 11:10 AM

2. Act(s) & Sections :

S.No.	Acts	Sections
1	Mines and Minerals (Development and Regulation) Act 1957	21(1),21(4)(A),379

3. Occurrence of Offence:

Day: Wednesday Date From: 07/02/2024 Date To: 07/02/2024

Time Period: Time From: 12:00 PM Time To: 12:00 PM

(b).Information received at P.S: Date : 29/02/2024 Time 11:10 AM

(c).General Diary Reference: Entry No.: 53 Time : 11:10 AM

4. Type of Information: Written

5. Place of Occurrence:

1 (a) Direction and distance from P.S.: South, 70 Beat No.:

(b) Address: , , गांव चिलावली

6. Complainant/Information:

(a) Name: श्री शाहआलमदीन वरिष्ठ खनन रक्षक

(b) Rank:

(c) District: MEWAT

(d) Phone Number: 0

(e) Circle:

(f) Division:

(g) Sub-Division:

(h) Zone:

(i) Department: Mines & Geology

7. Details of known/Suspected/unknown accused with full particulars:

8. Fine Details:

Fine Type	Amount
----	300000

9. Reasons for delay in reporting by the complainant/informant: NO DELAY

10. Particular of Theft: MINING THEFT

11. Total Value of Property stolen(In Rs): 300000

12. First Information content:

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सेवा में थाना प्रबन्धक हरियाणा राज्य प्रवर्तन ब्यूरो गुरुग्राम। यादि कमांक 1871 दिनांक 26-02-2024 विषय - ट्रैक्टर ट्राली नम्बर HR 27L-6199 के चालक व मालिक के खिलाफ माननीय राष्ट्रीय हरित प्राधिकरण, नई दिल्ली के आदेश दिनाक 23.04.2019 व दिनाक 19.02.2020 की उल्लघनां करने व खान एवम खनिज (D&R) अधिनियम 1957 की धारा 21 (1), 21.4(4), 379 के तहत कानूनी कार्यवाही करने बारे।उपरोक्त विषय में आपको सूचित किया जाता है कि दिनाक 07.02.2024 को हरियाणा राज्य प्रर्वतन ब्यूरो से श्री चन्द्रपाल एस.आई, मय स्टाफ द्वारा ट्रैक्टर ट्राली नम्बर HR 27L-6199 को गांव चिलावली में पकड़ा जिसमें अवैध खनिज साधारण मिट्टी लगभग 4 मिट्रिक टन भरी हुई थी। उक्त वाहन का चालक वाहन को मौके पर छोड कर भाग गया। उक्त वाहन को निरीक्षण टीम द्वारा चौकी जयसिंहपुर में लाकर खड़ा किया गया व इस कार्यालय को सूचना दी गई। सूचना मिलने पर इस कार्यालय से श्री शाहआलमदीन वरिष्ठ खनन रक्षक ने खान एवम खनिज अधिनियम (D&R) 1957 की धारा 21 (4) व राज्य खनन नियम 2012 के उपनियम 102 व माननीय राष्ट्रीय हरित प्राधिकरण नई दिल्ली द्वारा पारित आदेश दिनाक 23.04.2019 व 19.02.2020 के अनुसार पृष्ठांकन कमार्क एस.पी.एल. नम्बर 2 दिनाक 07.02.2024 को सीज करके चौकी जयसिंहपुर में अमानतन खड़ा किया गया ।माननीय राष्ट्रीय हरित प्राधिकरण नई दिल्ली के दिनाक 23.04.2019 व 19.02.2020 के आदेशानुसार उपरोक्त वाहन के मालिक व चालक से प्रर्यावरण क्षतिपूर्ति राशी 2,00,000/- खनिज की रायल्टी रु 14/- कीमत रु 42 जुर्माना राशी 10,000/- ई चालान के माध्यम से सरकारी खजाना में जमा करवानी थी जिसे अभी तक जमा नहीं करवाया है।आपसे अनुरोध है कि उपरोक्त वाहन मालिक व चालक के खिलाफ माननीय राष्ट्रीय हरित प्राधिकरण नई दिल्ली में उपरोक्त आदेशों की उल्लघनां करने बारे व अवैध खनिज परिवहन करने बारे खान एवम खनिज (D&R) अधिनियम 1957 की धारा 21 (1) व 21.4 (A), 379 IPC के तहत कानूनी कार्यवाही करके इस कार्यालय को अवगत करवाने का कष्ट करे । SD- शाहआलमदीन, वरिष्ठ खनन रक्षक ,खनन अधिकारी, खान एवम भूविज्ञान विभाग, नूहं । मोबाईल नं:-9416554747 | उपस्थिती थाना उपरोक्त पत्र:- कमांक 1871 दिनांक 26-02-2024 थाना पर प्राप्त होने पर अभियोग संख्या 988 दिनांक 29.02.2024, खान एवम खनिज(D&R) अधिनियम 1957 की धारा 21 (1) व 21.4 (A), 379 IPC थाना हरियाणा राज्य प्रवर्तन ब्यूरो गुरुग्राम अंकित करके प्रथम सूचना रिपोर्ट की नियमानुसार प्रतियाँ तैयार की गई जो डाक के माध्यम से उच्च-अधिकारियों व ईलाका मैजिस्ट्रेट साहब के पास भेजी जावेगी |अभियोग का आइन्दा अनुसंधान HC Vikas 422/RWR द्वारा अमल में लाया जाएगा। अभियोग के हालात से प्रबन्धक अफसर थाना को अवगत कराया गया । नोट यह अभियोग HC Azam Khan 410/PWL की हाजरी में दर्ज किया गया है।

13. Action Taken(Since the above information reveals commission of offence(s)u/s as mentioned at items No.2):

(i)Registered the case and took up the investigation

OR

(ii) Directed(Name of the I.O): hcvikas

No.: 422/RWR

Rank: HC

(iii) Refused investigation due to:

(iv) Transferred to P.S(Name):

F.I.R read over to the complainant/information,admitted to be correctly recorded and a copy given to the complainant/informaant,free of cost:

14.

Signature/Thumb Impression of the Complaintant/informant:

Signature of Officer

Name: HC AZAM KHAN 410/PWL

Rank: HC AZAM KHAN 410/PWL

No.

15. Date and Time of despatch to the court: 29/02/2024 11:10 AM

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Annexure-R/3

FIRST INFORMATION REPORT

(Under Section 154 Cr.P.C)

1. District: Haryana State Enforcement Bureau PS.: HSEnB Police Station Gurugram Year : 2024

FIR No.: 1004 Date of FIR : 01/03/2024 Time of FIR : 09:30 AM

2. Act(s) & Sections :

S.No.	Acts	Sections
1	Mines and Minerals (Development and Regulation) Act 1957	21(1),21(4)(A),379

3. Occurrence of Offence:

Day: Thursday Date From: 08/02/2024 Date To: 08/02/2024

Time Period: Time From: Time To:

(b).Information received at P.S: Date : 01/03/2024 Time 09:30 AM

(c).General Diary Reference: Entry No.: 23 Time : 09:30 AM

4. Type of Information: Written

5. Place of Occurrence:

1 (a) Direction and distance from P.S.: South, 70 Beat No.:

(b) Address: , , सोहना नूहं रोड नजदीक थाना रोजका मेव

6. Complainant/Information:

(a) Name: धर्मपाल वरिष्ठ खनन रक्षक
(b) Rank:
(c) District: MEWAT
(d) Phone Number: 0
(e) Circle:
(f) Division:
(g) Sub-Division:
(h) Zone:
(i) Department: Mines & Geology

7. Details of known/Suspected/unknown accused with full particulars:

Sr No. 1

Name : मुनफेद
Father's Name : फिरोजा
Age : 0
Caste :
Address : , निवासी गांव निमला राजस्थान, , , Rajasthan
Phone No. :
Passport No :
Passport Issuue date :
Meter No.:
Meter Holder Name :
Meter Reading :

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8. Fine Details:

Fine Type	Amount
----	700000

9. Reasons for delay in reporting by the complainant/informant: NO DELAY

10. Particular of Theft: MINING THEFT

11. Total Value of Property stolen(In Rs): 700000

12. First Information content:

सेवा में थाना प्रबन्धक हरियाणा राज्य प्रवर्तन ब्यूरो गुरुग्राम। यादि कमांक 1895 दिनांक 01-03-2024 विषय हाईवा नम्बर RJ 05-GB-6804 के चालक व मालिक मुनफेद पुत्र फिरोजा निवासी गांव निमला राजस्थान के खिलाफ माननीय राष्ट्रीय हरित प्राधिकरण, नई दिल्ली के आदेश दिनाक 23.04.2019 व दिनाक 19.02.2020 की उल्लघनां करने व खान एवम खनिज (D&R) अधिनियम 1957 की धारा 21 (1), 21.4 (A), 379 के तहत कानूनी कार्यवाही करने बारे।उपरोक्त विषय में आपको सूचित किया जाता है कि दिनाक 08.02.2024 को हरियाणा राज्य प्रर्वतन ब्यूरो से श्री सूरजमल थाना प्रबन्धक श्री कर्ण पी.एस.आई, श्री विजय एस.आई., श्री संदीप ए. एस.आई. श्री राजीव ए.एस.आई मय स्टाफ द्वारा हाईवा नम्बर RJ 05 GB- 6804 को सोहना नूहं रोड नजदीक थाना रोजका मेव से पकड़ा जिसमें अवैध खनिज (जी.एस.बी. गिट्टी) लगभग 35 मिट्रिक टन भरी हुई थी। उक्त वाहन को निरीक्षण टीम द्वारा थाना रोजका मेव में लाकर खड़ा किया गया व इस कार्यालय को सूचना दी गई। सूचना मिलने पर इस कार्यालय से श्री धर्मपाल वरिष्ठ खनन रक्षक ने खान एवम खनिज अधिनियम (D&R) 1957 की धारा 21 (4) व राज्य खनन नियम 2012 के उपनियम 102 व माननीय राष्ट्रीय हरित प्राधिकरण नई दिल्ली द्वारा पारित आदेश दिनाक 23.04.2019 व 19.02.2020 के अनुसार पृष्ठांकन कमाकं एस.पी.एल. नम्बर 2 दिनाक 08.02.2024 को सीज करके थाना रोजका मेव में अमानतन खड़ा किया गया। आपको यह भी सूचित किया जाता है कि उक्त वाहन का प्रथम बार दिनाक 09.07.2020 को व दूसरी बार दिनांक 04.04.2021 को सीज किया गया था जिसे माननीय न्यायालय श्री मोहित अग्रवाल ए.एस.जे.. नूहं द्वारा दिनाकं 12.10.2020 को प्रथम बार व दिनांक 31.05.2021 को दूसरी बार सुपरदारी पर छोडने के आदेश पारित किए गए थे। उक्त वाहन के सुपरदारी आदेश दिनाक 12.10.2020 के विरुद्ध माननीय उच्च न्यायालय पंजाब एण्ड हरियाणा चण्डीगढ में अपील विचाराधीन है। माननीय राष्ट्रीय हरित प्राधिकरण नई दिल्ली के दिनाकं 23.04.2019 व 19.02.2020 के आदेशानुसार उपरोक्त वाहन के मालिक व चालक से प्रर्यावरण क्षतिपूर्ति राशी (वाहन की शोरुम कीमत का 50 प्रतिशत) खनिज की रायल्टी रु 1750/- कीमत रु 12250/- जुर्माना राशी 25,000/- ई चालान के माध्यम से सरकारी खजाना में जमा करवानी थी जिसे अभी तक जमा नही करवाया है। आपसे अनुरोध है कि उपरोक्त वाहन मालिक व चालक के खिलाफ माननीय राष्ट्रीय हरित प्राधिकरण नई दिल्ली में उपरोक्त आदेशों की उल्लघनां करने बारे व अवैध खनिज परिवहन करने बारे ज्ञान एवम खनिज (D&R) अधिनियम 1957 की धारा 21 (1) व 21.4 (A), 379 IPC के तहत कानूनी कार्यवाही करके इस कार्यालय को अवगत करवाने का कष्ट करे ।नोटः वाहन की सिजिंग की मूल प्रति थाना रोजका मेव में दी गई है | SD धर्मपाल वरिष्ठ खनन रक्षक, खान एवम भूविज्ञान विभाग, नूहं | उपस्थिती थाना उपरोक्त पत्र:- कमांक 1895 दिनांक 01-03-2024 थाना पर प्राप्त होने पर अभियोग संख्या 1004 दिनांक 01.03.2024, खान एवम खनिज(D&R) अधिनियम 1957 की धारा 21 (1) व 21.4 (A), 379 IPC थाना हरियाणा राज्य प्रवर्तन ब्यूरो गुरुग्राम अंकित करके प्रथम सूचना रिपोर्ट की नियमानुसार प्रतियाँ तैयार की गई जो डाक के माध्यम से उच्च-अधिकारियों व ईलाका मैजिस्ट्रेट साहब के पास भेजी जावेगी |अभियोग का आइन्दा अनुसंधान ASI Rajiv 280/JJR द्वारा अमल में लाया जाएगा। अभियोग के हालात से प्रबन्धक अफसर थाना को अवगत कराया गया । नोट यह अभियोग ASI Sandeep 709/SPT की हाजरी में दर्ज किया गया है।

13. Action Taken(Since the above information reveals commission of offence(s)u/s as mentioned at items No.2):

(i)Registered the case and took up the investigation OR

(ii) Directed(Name of the I.O): ASI Rajiv 280/JJR Rank: ASI

No.: 280/JJR

(iii) Refused investigation due to:

(iv) Transferred to P.S(Name):

F.I.R read over to the complainant/information,admitted to be correctly recorded and a copy given to the complainant/informaant,free of cost:

14.

Signature/Thumb Impression of the Complaintant/informant:

Signature of Officer
Name: ASI SANDEEP 709/SPT
Rank: ASI SANDEEP 709/SPT

No.

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15. Date and Time of despatch to the court: 01/03/2024 09:30 AM

Annexure-P/4 12

FIRST INFORMATION REPORT

(Under Section 154 Cr.P.C)

1. District: Haryana State Enforcement Bureau PS.: HSEnB Police Station Gurugram Year : 2024

FIR No.: 1020 Date of FIR : 06/03/2024 Time of FIR : 08:15 AM

2. Act(s) & Sections :

S.No.	Acts	Sections
1	Mines and Minerals (Development and Regulation) Act 1957	21(1),21(4)(A),379

3. Occurrence of Offence:

Day: Tuesday Date From: 23/01/2024 Date To: 23/01/2024

Time Period: Time From: Time To:

(b).Information received at P.S: Date : 06/03/2024 Time 08:00 AM

(c).General Diary Reference: Entry No.: 11 Time : 08:15 AM

4. Type of Information: Written

5. Place of Occurrence:

1 (a) Direction and distance from P.S.: South, 90 Beat No.:

(b) Address: , , सिटी पुनहाना

6. Complainant/Information:

(a) Name: शाहआलमदीन, वरिष्ठ खनन रक्षक, खनन अधिकारी खान एवम भ

(b) Rank:

(c) District: MEWAT

(d) Phone Number:

(e) Circle:

(f) Division:

(g) Sub-Division:

(h) Zone:

(i) Department: Mines & Geology

7. Details of known/Suspected/unknown accused with full particulars:

8. Fine Details:

Fine Type	Amount
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9. Reasons for delay in reporting by the complainant/informant: NO DELAY

10. Particular of Theft: MINING THEFT

11. Total Value of Property stolen(In Rs):

12. First Information content:

सेवा में थाना प्रबन्धक हरियाणा राज्य प्रवर्तन ब्यूरो गुरुग्राम। यादि कमांक 1900 दिनांक 04-03-2024 विषय ट्रैक्टर ट्राली चैसिस नम्बर 925513115836 Eng. No. H63954 (Registration No. HR 93- 7380) के चालक व मालिक के खिलाफ माननीय राष्ट्रीय हरित प्राधिकरण, नई दिल्ली के आदेश दिनाक 23.04.2019 व दिनाक 19.02.2020 की उल्लघनां करने व खान एवम खनिज (D&R) अधिनियम 1957 की धारा 21 (1) 21.4 (A), 379 के तहत कानूनी कार्यवाही करने बारे। उपरोक्त विषय में आपको सूचित किया जाता है कि दिनाक

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23.01.2024 को रात्री 12.12 बजे हरियाणा राज्य प्रर्वतन ब्यूरो से श्री विजय एस.आई., श्री विकास एच.सी. श्री संदीप एच.सी व श्री संदीप ए.एस.आई द्वारा ट्रेक्टर ट्राली चैसिस नम्बर 925513115836 Eng. No. H63954 (Registration No. HR 93-7380) को सिटी पुनहाना में पकड़ा जिसमें अवैध खनिज (साधारण मिट्टी) लगभग 04 मिट्रिक टन भरी हुई थी। वाहन के चालक ने वाहन में भरे अवैध खनिज का कोई बिल नही दिखाया व वाहन को मौका पर छोड कर भाग गया । उक्त वाहन को निरीक्षण टीम द्वारा सिटी चौकी पुनहाना में लाकर खड़ा किया गया च इस कार्यालय को सूचना दी गई। सूचना मिलने पर इस कार्यालय से श्री शाहआलमदीन, वरिष्ठ खनन रक्षक ने खान एवम खनिज अधिनियम (D&R) 1957 की धारा 21 (4) व राज्य खनन नियम 2012 के उपनियम 102 व माननीय राष्ट्रीय हरित प्राधिकरण नई दिल्ली द्वारा पारित आदेश दिनाक 23.04.2019 व 19.02.2020 के अनुसार पृष्ठांकन कमाकं एस पी एल नम्बर 2 दिनाक 24.01.2024 को सीज करके थाना सिटी चौकी पुनहाना में अमानतन खडा किया गया । माननीय राष्ट्रीय हरित प्राधिकरण नई दिल्ली के दिनाक 23.04.2019 व 19.02.2020 के आदेशानुसार उपरोक्त वाहन के मालिक व चालक से प्रर्यावरण क्षतिपूर्ति राशी 2,00,000/- खनिज की रायल्टी रु 14/- कीमत रु 42/- जुर्माना राशी 10,000/- ई चालान के माध्यम से सरकारी खजाना में जमा करवानी थी जिसे अभी तक जमा नहीं करवाया है। आपसे अनुरोध है कि उपरोक्त वाहन मालिक व चालक के खिलाफ माननीय राष्ट्रीय हरित प्राधिकरण नई दिल्ली में उपरोक्त आदेशों की उल्लघनां करने बारे व अवैध खनिज परिवहन करने बारे खान एवम खनिज (D&R) अधिनियम 1957 की धारा 21 (1) व 21.4 (A), 379 IPC के तहत कानूनी कार्यवाही करके इस कार्यालय को अवगत करवाने का कष्ट करे । SD शाहआलमदीन, वरिष्ठ खनन रक्षक, खनन अधिकारी खान एवम भूविज्ञान विभाग, नूंह मोबाइल न. 9416454747 | उपस्थिती थाना उपरोक्त पत्र:- कमांक 1900 दिनांक 04-03-2024 थाना पर प्राप्त होने पर अभियोग संख्या 1020 दिनांक 06.03.2024, खान एवम खनिज(D&R) अधिनियम 1957 की धारा 21 (1) व 21.4 (A), 379 IPC थाना हरियाणा राज्य प्रवर्तन ब्यूरो गुरुग्राम अंकित करके प्रथम सूचना रिपोर्ट की नियमानुसार प्रतियाँ तैयार की गई जो डाक के माध्यम से उच्च-अधिकारियों व ईलाका मैजिस्ट्रेट साहब के पास भेजी जावेगी | अभियोग का आइन्दा अनुसंधान ESI/ASI CHANDERPAL 55/NUH द्वारा अमल में लाया जाएगा। अभियोग के हालात से प्रबन्धक अफसर थाना को अवगत कराया गया । नोट यह अभियोग ASI BALJEET 994/RTK की हाजरी में दर्ज किया गया है।

13. Action Taken(Since the above information reveals commission of offence(s)u/s as mentioned at items No.2):

(i)Registered the case and took up the investigation

OR

(ii) Directed(Name of the I.O): asichanderpal

No.: 55/NUH

Rank: ASI

(iii) Refused investigation due to:

(iv) Transferred to P.S(Name):

F.I.R read over to the complainant/information,admitted to be correctly recorded and a copy given to the complainant/informaant,free of cost:

14.

Signature/Thumb Impression of the Complaintant/informant:

Signature of Officer

Name: ASI Baljeet 994/RTK

Rank: ASI Baljeet 994/RTK

No.

15. Date and Time of despatch to the court: 06/03/2024

14
Annexure-R/5

FIRST INFORMATION REPORT

(Under Section 154 Cr.P.C)

1. District: Haryana State Enforcement Bureau | PS.: HSEnB Police Station Gurugram | Year : 2024

FIR No.: 797 | Date of FIR : 21/02/2024 | Time of FIR : 08:50 AM

2. Act(s) & Sections :

S.No.	Acts	Sections
1	Mines and Minerals (Development and Regulation) Act 1957	21(1),21(4)(A),379

3. Occurrence of Offence:

Day: Wednesday | Date From: 17/01/2024 | Date To: 17/01/2024

Time Period: | Time From: | Time To:

(b).Information received at P.S: | Date : 21/02/2024 | Time 08:40 AM

(c).General Diary Reference: | Entry No.: 16 | Time : 08:50 AM

4. Type of Information: Written

5. Place of Occurrence:

1 (a) Direction and distance from P.S.: South, 40 | Beat No.:

(b) Address: , , तावडू

6. Complainant/Information:

(a) Name: शाहआलमदीन वरिष्ठ खनन रक्षक,खान एवम भूविज्ञान विभाग

(b) Rank:

(c) District: MEWAT

(d) Phone Number:

(e) Circle:

(f) Division:

(g) Sub-Division:

(h) Zone:

(i) Department: Mines & Geology

7. Details of known/Suspected/unknown accused with full particulars:

8. Fine Details:

Fine Type	Amount
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9. Reasons for delay in reporting by the complainant/informant: NO DELAY

10. Particular of Theft: MINING THEFT

11. Total Value of Property stolen(In Rs):

12. First Information content:

सेवा में थाना प्रबन्धक हरियाणा राज्य प्रवर्तन ब्यूरो गुरुग्राम। यादि कमांक 1815 दिनांक 20-02-2024 विषय - डम्पर नम्बर HR 55AK- 2588 के चालक व मालिक के खिलाफ माननीय राष्ट्रीय हरित प्राधिकरण, नई दिल्ली के आदेश दिनाक 23.04.2019 व दिनाक 19.02.2020 की उल्लघनां करने व खान एवम खनिज (D&R) अधिनियम 1957 की धारा 21 (1), 21.4(1), 379 के तहत कानूनी कार्यवाही करने बारे। आपको सूचित किया जाता है कि दिनाक 17.01.2024 को हरियाणा राज्य प्रर्वतन ब्यूरो से श्री करण सिंह पी.एस.आई. श्री संदीप ए.एस.आई. 5/94 HAP, श्री भारत HC 83 /RWR व श्री विकास HC 422/RWR से सूचना प्राप्त हुई कि डम्पर नम्बर HR 55AK- 2588 जिसमें स्टोन डस्ट (23.50 मिट्रिक टन) भरी हुई थी को रोड साईड चैकिगं के दौरान तावडू में रुकवाया व चालक से वाहन में भरे खनिज का बिल मांगा तो चालक ने कोई बिल नही दिखाया। निरीक्षण टीम द्वारा उक्त वाहन का चांदना कम्पयूटराईजड धर्म कांटा तावडू नूह रोड पर कांटा करवाया तो उक्त वाहन में लगभग 23.50 मिट्रिक टन (वाहन सहित) अवैध खनिज पाया गया। उक्त वाहन को टीम द्वारा थाना सिटी तावडू में लाकर खड़ा किया गया व इस कार्यालय को सूचना दी गई। सूचना मिलने पर खनन विभाग से श्री मानप्रताप सिंह खनन निरीक्षक ने उक्त वाहन को खान एवम खनिज अधिनियम (D&R) 1957 की धारा 21 (4) व राज्य खनन नियम 2012 के उपनियम 102 व माननीय राष्ट्रीय हरित प्राधिकरण नई दिल्ली द्वारा पारित आदेश दिनाक 23.04.2019 व 19.02.2020 (प्रति संलग्न) के अनुसार पृष्ठांकन कमाकं एस.पी.एल. नम्बर 2 दिनाक 17.01.2024 को सीज करके थाना सिटी तावडू में अमानतन खड़ा किया। उक्त वाहन का चालक वाहन को सीज करत समय मौके पर मौजूद नही था।माननीय राष्ट्रीय हरित प्राधिकरण नई दिल्ली के दिनाक 23.04.2019 व 19.02.2020 के आदेशानुसार उपरोक्त वाहन के मालिक व चालक से प्रर्यावरण क्षतिपूर्ति राशी 4,00,000/- खनिज की रायल्टी रु 1175/-, कीमत रु 8225/- व जुर्माना राशी 10,000/- ई चालान के माध्यम से सरकारी खजाना में जमा करवानी थी जिसे अभी तक जमा नही करवाया हैं।आपसे अनुरोध है कि उपरोक्त वाहन मालिक व चालक के खिलाफ माननीय राष्ट्रीय हरित प्राधिकरण नई दिल्ली में उपरोक्त आदेशों की उल्लघनां करने बारे व अवैध खनिज परिवहन करने बारे खान एवम खनिज (D&R) अधिनियम 1957 की धारा 21 (1) व 21.4(A). 379 IPC के तहत कानूनी कार्यवाही करके इस कार्यालय को अवगत करवाने का कष्ट करे ।संलगन :- मूल सींजिग, कांटा पर्वी व छाया चित्र की प्रतिया।SD श्री शाहआलमदीन वरिष्ठ खनन रक्षक, खान एवम भूविज्ञान विभाग, नूहं । उपस्थिती थाना उपरोक्त पत्र:- कमांक 1815 दिनांक 20.02.2024 थाना पर प्राप्त होने पर अभियोग संख्या 797 दिनांक 21.02.2024, खान एवम खनिज(D&R) अधिनियम 1957 की धारा 21 (1) व 21.4 (A), 379 IPC थाना हरियाणा राज्य प्रवर्तन ब्यूरो गुरुग्राम अंकित करके प्रथम सूचना रिपोर्ट की नियमानुसार प्रतियाँ तैयार की गई जो डाक के माध्यम से उच्च-अधिकारियों व ईलाका मैजिस्ट्रेट साहब के पास भेजी जावेगी |अभियोग का आइन्दा अनुसंधान HC Rakesh 181/NUH द्वारा अमल में लाया जाएगा। अभियोग के हालात से प्रबन्धक अफसर थाना को अवगत कराया गया । नोट यह अभियोग ASI KRISHAN 257/GGM की हाजरी में दर्ज किया गया है।

13. Action Taken(Since the above information reveals commission of offence(s)u/s as mentioned at items No.2):

(i)Registered the case and took up the investigation OR 16

(ii) Directed(Name of the I.O): Rakesh Rank: HC

No.: 181/NUH

(iii) Refused investigation due to:

(iv) Transferred to P.S(Name):

F.I.R read over to the complainant/information,admitted to be correctly recorded and a copy given to the complainant/informaant,free of cost:

14.

Signature/Thumb Impression of the Complaintant/informant:

Signature of Officer
Name: ASI KRISHAN 257/GGM
Rank: ASI KRISHAN 257/GGM
No.

15. Date and Time of despatch to the court: 21/02/2024

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Annexure-R/6

FIRST INFORMATION REPORT

(Under Section 154 Cr.P.C)

1. District: Haryana State Enforcement Bureau | PS.: HSEnB Police Station Gurugram | Year : 2024

FIR No.: 794 | Date of FIR : 21/02/2024 | Time of FIR : 08:35 AM

2. Act(s) & Sections :

S.No.	Acts	Sections
1	Mines and Minerals (Development and Regulation) Act 1957	21(1),21(4)(A),379

3. Occurrence of Offence:

Day: Wednesday | Date From: 24/01/2024 | Date To: 24/01/2024

Time Period: | Time From: | Time To:

(b).Information received at P.S: | Date : 21/02/2024 | Time 08:20 AM

(c).General Diary Reference: | Entry No.: 13 | Time : 08:35 AM

4. Type of Information: Written

5. Place of Occurrence:

1 (a) Direction and distance from P.S.: South, Beat No.:

(b) Address: , , गांव रवाली

6. Complainant/Information:

(a) Name: शाहआलमदीन, वरिष्ठ खनन रक्षक, खनन अधिकारी, खान एवम

(b) Rank:

(c) District: MEWAT

(d) Phone Number:

(e) Circle:

(f) Division:

(g) Sub-Division:

(h) Zone:

(i) Department: Mines & Geology

7. Details of known/Suspected/unknown accused with full particulars:

8. Fine Details:

Fine Type	Amount
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9. Reasons for delay in reporting by the complainant/informant: NO DELAY

10. Particular of Theft: MINING THEFT

11. Total Value of Property stolen(In Rs):

12. First Information content:

सेवा में थाना प्रबन्धक हरियाणा राज्य प्रवर्तन ब्यूरो गुरुग्राम। यादि कमांक 1812 दिनांक 20-02-2024 विषय - हाईवा नम्बर RJ 40 GA- 6164 के चालक व मालिक के खिलाफ माननीय राष्ट्रीय हरित प्राधिकरण, नई दिल्ली के आदेश दिनाक 23.04.2019 व दिनाक 19.02.2020 की उल्लघनां करने व खान एवम खनिज (D&R) अधिनियम 1957 की धारा 21 (1), 21.4(A), 379 के तहत कानूनी कार्यवाही करने बारे।उपरोक्त विषय में आपको सूचित किया जाता है कि दिनाक 24.01.2024 को हरियाणा राज्य प्रर्वतन ब्यूरो से श्री विजय एस.आई. 179/HAP, श्री राकेश HC 181/ Nuh, श्री विकास HC 422/RWR, श्री धीरज EHC व श्री भूपेन्द्र EHC द्वारा हाईवा नम्बर RJ 40 GA- 6164 को गांव रवाली में पकड़ा जिसमें पत्थर (लगभग 54 मिट्रिक टन) भरा हुआ था। उक्त वाहन का चालक वाहन को मौका पर छोड़कर भाग गया। उक्त वाहन के पास ई-रवन्ना नम्बर SPVV1071153528 दिनांक 24.01.2024 को खनिज पत्थर लगभग 28. 43 मिट्रिक टन के लिए जारी किया गया था। निरीक्षण टीम द्वारा उपरोक्त वाहन का खण्डेलवाल धर्म कांटा फिरोजपुर झिरका पर कोटा करवाया गया जिसके अनुसार उक्त वाहन में खनिज की कुल मात्रा 54 मिट्रिक टन पाई गई। उक्त वाहन में उपरोक्त ई-रवन्ना में दर्शाई गई खनिज की कुल मात्रा से 25.38 मिट्रिक टन अधिक अवैध खनिज पाया गया। उक्त वाहन को निरीक्षण टीम द्वारा थाना फिरोजपुर झिरका में लाकर खड़ा किया गया व इस कार्यालय को सूचना दी गई सूचना मिलने पर इस कार्यालय से श्री शाहआलमदीन वरिष्ठ खनन रक्षक ने खान एवम खनिज अधिनियम (D&R) 1957 की धारा 21 (4) व राज्य खनन नियम 2012 के उपनियम 102 व माननीय राष्ट्रीय हरित प्राधिकरण नई दिल्ली द्वारा पारित आदेश दिनाक 23.04.2019 व 19.02.2020 के अनुसार पृष्ठांकन कमाकं एस.पी.एल. नम्बर 3 दिनाक 24.01.2024 को सीज करके थाना फिरोजपुर झिरका में अमानतन खड़ा किया गया ।माननीय राष्ट्रीय हरित प्राधिकरण नई दिल्ली के दिनाक 23.04.2019 व 19.02.2020 के आदेशानुसार उपरोक्त वाहन के मालिक व चालक से प्रर्यावरण क्षतिपूर्ति राशी 4,00,000/- खनिज की रायल्टी रु 2700/- कीमत रु 18900/- व जुर्माना राशी 10,000/- ई चालान के माध्यम से सरकारी खजाना में जमा करवानी थी जिसे अभी तक जमा नहीं करवाया है।आपसे अनुरोध है कि उपरोक्त वाहन मालिक व चालक के खिलाफ माननीय राष्ट्रीय हरित प्राधिकरण नई दिल्ली में उपरोक्त आदेशों की उल्लघनां करने बारे व अवैध खनिज परिवहन करने बारे खान एवम खनिज (D&R) अधिनियम 1957 की धारा 21 (1) व 21.4 (A), 379 IPC के तहत कानूनी कार्यवाही करके इस कार्यालय को अवगत करवाने का कष्ट करे ।कार्यालय :- शाहआलमदीन, वरिष्ठ खनन रक्षक, खनन अधिकारी, खान एवम भूविज्ञान विभाग, नूह । मोबाईल नं:-9416554747 ।SD श्री शाहआलमदीन वरिष्ठ खनन रक्षक, खान एवम भूविज्ञान विभाग, नूहं । उपस्थिती थाना उपरोक्त पत्र:- कमांक 1812 दिनांक 20.02.2024 थाना पर प्राप्त होने पर अभियोग संख्या 794 दिनांक 21.02.2024, खान एवम खनिज(D&R) अधिनियम 1957 की धारा 21 (1) व 21.4 (A), 379 IPC थाना हरियाणा राज्य प्रवर्तन ब्यूरो गुरुग्राम अंकित करके प्रथम सूचना रिपोर्ट की नियमानुसार प्रतियाँ तैयार की गई जो डाक के माध्यम से उच्च-अधिकारियों व ईलाका मैजिस्ट्रेट साहब के पास भेजी जावेगी |अभियोग का आइन्दा अनुसंधान HC Bharat 83/RWR द्वारा अमल में लाया जाएगा। अभियोग के हालात से प्रबन्धक अफसर थाना को अवगत कराया गया । नोट यह अभियोग ASI KRISHAN 257/GGM की हाजरी में दर्ज किया गया है।

13. Action Taken(Since the above information reveals commission of offence(s)u/s as mentioned at items No.2):

(i)Registered the case and took up the investigation OR

(ii) Directed(Name of the I.O): HC BHARAT SHARMA Rank: HC

No.: 83/RWR

(iii) Refused investigation due to:

(iv) Transferred to P.S(Name):

F.I.R read over to the complainant/information,admitted to be correctly recorded and a copy given to the complainant/informaant,free of cost:

14.

Signature/Thumb Impression of the Complaintant/informant:

Signature of Officer
Name: ASI KRISHAN 257/GGM
Rank: ASI KRISHAN 257/GGM
No.

15. Date and Time of despatch to the court: 21/02/2024

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Annexure-P/7

Item No.01 (Court No. 2)

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

(Through Physical Hearing with Hybrid VC Option)

Original Application No.362/2022

Aravalli Bachao Citizens Movement Applicant

Versus

Union of India & Ors. Respondents

Date of hearing: 11.12.2023

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER

Applicant: Mr. Rahul Choudhary and Ms. Itisha Awasthi Advocates for the Applicant.

Respondents: Mr. Rahul Khurana, Advocate for respondents no 1 to 6.
Shri. Abhishek Jorwal, IPS, DCP (HQ) Faridabad.
Mr. Anil Kumar, Mining Officer, Nuh and Gurugram.
Mr. Niranjan Lal, Mining Officer, Faridabad.
Mr. Vikrant Panchanda, Advocate for CPCB (Through VC).

Application has been filed under sections 14 and 15 of the National Green Tribunal Act, 2010.

ORDER

1. The applicant, a non-partisan group of citizens from the National Capital Region and across India, has filed the present application under Sections14 and 15 of the National Green Tribunal Act, 2010 for issuance of directions to respondents no. 2 to 6 to take steps to stop illegal stone and sand mining, undertake restoration activities, take strict action against defaulting officials and constitute an independent Aravalli Protection Authority for protection of the entire Aravalli range from further degradation.

2. Vide order dated 23.05.2022, this Tribunal constituted a Joint Committee comprising of the MOEF & CC, CPCB, State PCB, Principal Chief Conservator of Forest (HoFF), Director, Mining & Geology, Director General of Police and Commissioner, Gurugram Division, Government of Haryana and directed the

same to submit factual and action taken report within three months and notices were also ordered to be issued to respondents.

3. In compliance of order dated 23.05.2022, Mrs. Vasvi Tyagi, Chief Conservator of Forests (South Circle), Gurugram filed the Joint Committee Report vide letter dated 07.10.2022 through email dated 07.10.2022.

4. In view of the number of complaints received by the Police and Mining Department regarding illegal mining, this Tribunal found that the same were spread over to the wider area and on diverse locations which aspect needed to be further explored/looked into by the Joint Committee. Besides, the aspects of closure of the mining pits and reclamation/rehabilitation of the land involved were also required to be considered by the Joint Committee. Accordingly this Tribunal vide order dated 10.10.2022 directed the Joint Committee to look into these aspects, verify the factual position on the basis of the complaints received, take/recommend taking of appropriate remedial action and submit its report.

5. In compliance thereof Joint Committee submitted report vide email dated 28.11.2022.

6. Pursuant to notice and also interim orders passed by this Tribunal Reports/responses have been filed by the respondents.

Directions regarding registration of FIR and filing of complaints regarding illegal mining and Transportation

7. This Tribunal had in its order dated 28.04.2023 given detailed directions regarding registration of FIR and filing of complaints regarding illegal mining and Transportation etc.

8. Compliance report by way of affidavit dated 18.10.2023 of Mr. Sanjay Kumar I.P.S, Inspector General of Police, Law and order on behalf of Director General

of Police, Haryana has been filed vide email dated 18.10.2023. The relevant part of the affidavit is reproduced below:-

"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.

X X X X

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:-

(i) That in Para No. 21 of the order dated 28.04.2023 this Hon'ble Tribunal observed and directed as under:-"

> *"...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 recommendation of the committee, no lapse has been recorded by Learned Trial court in the judgements qua Investigating Officer or Public Prosecutor.

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 mining and illegal transportation of minor 'ilium' 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 wider 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 Mining Department as disclose

commission of cognizable offence punishable wider 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-I1 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 Haiyana 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 Station under jurisdiction of Haryana State Enforcement Bureau, Panchkula in the month of November 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.

9. Compliance affidavit dated 14.08.2023 has also been filed by Dr. Narhari Singh Banger (IAS), Director Mines and Geology, Department of Haryana vide email dated 14.08.2023. In the affidavit it has submitted that in compliance of the direction passed in Para no. 20 of the order dated 28.04.2023, in all FIR cases, complaints has already been filed under Section 195 Cr.P.C. in district Nuh and Gurugram.

10. The Director Mines and Geology, Department of Haryana is directed to file affidavit regarding filing of complaints under Section 195 Cr.P.C./Section 22 of the MMDR Act in all FIR cases in district Faridabad on or before 08.01.2024 by email at judicial-ngt@gov.inpreferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

11. Vide order dated 28.04.2023 PCCF (HoFF), Government of Haryana was directed to issue appropriate instructions that in all cases of illegal mining and illegal transportation constituting offence punishable under Section 379 of the IPC and/or Section 21 of the MMDR Act reference is made to the police for registration of FIR and investigation by the Police.

12. PCCF (HoFF), Government of Haryana has filed report vide email dated 17.10.2023 that in compliance of the above order necessary instructions have been issued vide office order endorsement bearing number 83 dated 17.10.2023 for meticulous compliance.

Amendment of Rules

13. vide order dated 28.04.2023 this Tribunal had directed the Chief Secretary, Government of Haryana to file an affidavit as to whether any steps have been taken to relook at the Rules for carrying out necessary amendments as observed by Hon'ble High Court of Punjab and Haryana in CRM-M-23190-2020 titled as K.C. Stone Crushing Co. and others Vs. State of Haryana & others.

14. In compliance thereof Mr. Sanjeev Kaushal, Chief Secretary to Government Haryana has filed his affidavit. The relevant part of the affidavit reads as under:-

> ***"AFFIDAVIT OF MR. SANJEEV KAUSHAL, CHIEF SECRETARY HARYANA IN COMPLIANCE OF ORDER DATED 28 APRIL 2023***
>
> *X X X X*
>
> *2. That the Hon'ble High Court of Punjab and Haryana at Chandigarh in CRM M-23190-2020 titled K.C. Stone Crushing Co. and others Vs. State of Haryana 86 others and another connected matter vide its judgment dated 04 February 2021 noticed some anomalies in the Haryana Minor Mineral Concession, Stocking, Transportation of Minerals and Prevention of Illegal Mining Rules, 2012 (hereinafter referred to as Rules, 2012) and recommended for making necessary amendments.*
>
> *3. That it is further submitted that in K.C Stone Crushing Co. V/s State of Haryana, case (Supra) the department concerned was directed to make necessary amendments in Rule 101(5), 101(7), 101(8), 106 and 115 of Rules, 2012. However, the department had filed an SLP No. 7839 of 2021 against the judgment of Hon'ble High Court in K.C. Stone Crusher case and the same was dismissed on 25 October 2021.That it is further submitted that after the dismissal of the said SLP, the department vide notification dated 03 May 2021 has amended its various rules including Rule 101(5), 101(7) and 101(8) in compliance of order dated 04 February 2021 passed by the Hon'ble High Court of Punjab & Haryana. A copy of notification dated 03 May 2021 is attached herewith as Annexure-R/1. Further, with regard to Rules 106 and 115 of Rules, 2012, it is submitted that no changes were made, as both these rules were relevant. Rule 106 relates to filing of complaint with the police for registration of FIR in case of offence under rule 104 for illegal mining; Whereas, rule 115 is relevant for the cases of offences other than that of illegal mining such as violation of terms of grant of mineral concession, where the complaint is to be filed before the Hon'ble Court.*
>
> *4. That it is further submitted that after the dismissal of the said SLP, the department vide notification dated 03 May 2021 has amended its various rules including Rule 101(5), 101(7) and 101(8) in compliance of order dated 04 February 2021 passed by the Hon'ble High Court of Punjab & Haryana. A copy of notification dated 03 May 2021 is attached herewith as Annexure-R/1. Further, with regard to Rules 106 and 115 of*

Rules, 2012, it is submitted that no changes were made, as both these rules were relevant. Rule 106 relates to filing of complaint with the police for registration of FIR in case of offence under rule 104 for illegal mining; Whereas, rule 115 is relevant for the cases of offences other than that of illegal mining such as violation of terms of grant of mineral concession, where the complaint is to be filed before the Hon'ble Court."

Constitution of Special Cell and setting up of Control Room

15. This Tribunal had, vide order dated 10.10.2022 and 29.11.2022, given directions for constitution of Special Cell, setting up of Control Room.

16. Mr. Mukul Kumar (IAS), Director Mines and Geology, Department of Haryana filed affidavit dated 11.04.2023. In the affidavit it has been mentioned that the Deputy Commissioner Faridabad, Gurugram and Nuh were directed vide Memo dated 05.04.2023 issued by the Director, Mines & Geology Department, Haryana to constitute Special Cell. It has been further mentioned in the affidavit that a Control Room has been set up in the office of Department of Mines & Geology at Faridabad. Toll Free number 1800-180-5530 has been issued for receiving the complaint of illegal mining in Aravalli Range in District Faridabad, Gurugram and Nuh. Information about this number has been circulated through leading Newspapers dated 11.03.2023 i.e. Times of India, Hindustan Times, Dainik Jagran and Dainik Bhaskar. The email id of Control Room aravalibachaoggn@gmail.com has also been created and published in newspapers. Details of the Toll Free Number and Email id were affixed on the Notice Board of office of Deputy Commissioner as well Mining Officer of these three Districts.

17. This Tribunal found that helpline was functional but email id did not work. The web-portal was also in the process of development. No report has been filed regarding progress made for making the same functional.

18. The helpline, email id and web-portal for making complaints regarding illegal mining and transportation be made functional by the Department of

Mining and Geology within two months from the date of receipt of a copy of this order. Facility of uploading photographs and videos with complaints be provided on the web portal. All relevant information regarding information given/complaints made and action taken on the same be uploaded on the website of the Department of Mining and Geology. Information regarding action taken be also provided to the complainant within reasonable time.

Constitution of Authority for integrated environment management and sustainable development of the Aravalli range

19. This Tribunal had, vide order dated 10.10.2022 and 29.11.2022, given directions for constitution of Special Cell, setting up of Control Room and constitution of Authority for integrated environment management and sustainable development of the Aravalli range.

20. Mr. Sanjeev Kaushal, Chief Secretary to Government Haryana has filed his Affidavit dated 26.09.2023 in compliance of directions of this Tribunal in order dated 28.04.2023.The relevant part of the affidavit reads as under:-

"AFFIDAVIT OF MR. SANJEEV KAUSHAL, CHIEF SECRETARY HARYANA IN COMPLIANCE OF ORDER DATED 28 APRIL 2023

X X X X

5. That with regard to the constitution of 'Aravalli Rejuvenation Board', it is submitted that for addressing the concerns relating to environment in Districts Faridabad, Gurugram and Nuh and in order to achieve the integrated Environment Management and Sustainable Development of the Aravalli Range in these districts of the State of Haryana, 'the State Government has constituted a Board viz., "Aravalli Rejuvenation Board" vide order dated 13 June 2023 comprising of the following officers:-

Sr. No.	*Designation*	*Remarks*
1	*Deputy Commissioner of the district concerned.*	*Chairman*
2	*DRO of the district concerned*	*Member*
3	*CEO Zila Parisad of the district concerned*	*Member*

4	*RO HSPCB of the district concerned*	*Member*
5	*MO/AME of the district concerned*	*Member*
6	*DFO of the district concerned*	*Member*
7	*Any other members as the Deputy Commissioner of the respective district may deem fit*	*Member*

The functions of the "Aravalli Rejuvenation Board" shall be as under:-

- *Ensuring co-ordination between Administrative Agencies, which are required to deal with complaints of illegal mining and their impact on environment..*
- *Formulating policies for prohibition of illegal mining as well as preservation and management of areas in Aravalli Hills.*
- *Planning and implementation of programs for integrated environment management and sustainable development of Aravalli Range.*
- *Taking steps for maintaining ecological balance and preserving the flora, fauna and rich biodiversity in area of Aravalli Range.*
- *Ensuring prevention of eco-sensitive zones.*

To achieve the desired functions of the Board and the effective monitoring of the Aravalli Range, the infrastructure requirement shall arise including the use of Drone as well as installation of CCTV Cameras over the sensitive areas/locations/Nakas and the amount (in Rs.) required for said purpose shall be utilized from the Faridabad Metropolitan Development Authority (FMDA) Fund as well as Gurugram Metropolitan Development Authority (GMDA) Fund respectively. A copy of order dated 13 June 2023 is annexed as Annexure-R/2...."

21. In the reply filed vide email date 18.10.2023 the applicant has raised objections to the constitution of the Aravalli Rejuvenation Board. The objection will be considered on the next date of hearing and respondent no. 1 may also file response to the same if so desired before the next date of hearing.

22. This Tribunal noticed the grim fact situation and observed in its order dated 28.04.2023 as under :-

"54. It may be observed here that detailed directions have already been given by this Tribunal in number of cases including OA No.360 of 2015 National Green Tribunal Bar Association Applicant Versus Virender Singh (State of Gujarat). Guidelines Sustainable Sand Mining Management Guidelines, 2016 (SSMG-

2016) and Enforcement, Monitoring Guidelines for Sand Mining, 2020 (EMGSM-2020) have also been issued by the Ministry of Environment, Forest and Climate Change (MoEF & CC). In his affidavit Mr. Sanjay Kumar, I.P.S., Inspector General of Police, Law and Order, Haryana has submitted that para No. 9 and 10 of order dated 10.10.2022 passed by this Tribunal have also been circulated to all units concerned vide office memo No. 19689-720/L&O-4 dated 22.11.2022 for meticulous compliance. In the said affidavit, it has also been mentioned that Standard Operating Procedure regarding investigation of cases related to illegal mining has been issued on 10.10.2019 by the Director General of Police, Haryana to all the Additional Director Generals of Police, all Commissioners of Police, all Inspector General's of Police and all Superintendents of Police in Haryana for meticulous compliance. In his affidavit dated 28.11.2022, Mr. Mukul Kumar, IAS, Director Mines and Geology, Department of Haryana has mentioned in his affidavit dated 28.11.2022 that Standard Operating Procedure (SOP) has been framed and the order in this regard has already been issued to all the field offices vide letter dated 23.08.2022. The District Level Task Force (DLTF) Committee is functioning in all the three Districts Gurugram, Faridabad and Nuh which examines the issues relating to illegal mining at District Level and the meeting of DLTF Committee are conducted regularly to monitor the action taken against the illegal mining/transportation. Yet from the fact situation we find that in some cases despite legal obligation FIRs have not been registered at all without any lawful justification. Investigations and trials are pending for long periods. The relevant provisions of law are not added in the FIRs and charge-sheets. Relevant evidence is not collected and produced before the Courts resulting in acquittal. Proceedings for imposition and realization of environmental damage compensation are not taken against the persons indulging in illegal mining and illegal transportation. Seven criminal cases pertaining to illegal transportation/illegal mining in Aravalli area have ended in acquittal with exception of one case of conviction which is stated to have been recorded on confession. Environmental compensation and even price of the illegally mined minor mineral has not been recovered from the owners of the vehicles seized for illegal transportation of minor mineral in most of the cases. No steps have been taken for reclamation/rehabilitation of the land where illegal mining has been done. There is no question of any deficiency in the legal frame work and the problem is that of inaction/negligence/non-compliance by the concerned officers/officials due to incompetence/lack of training/corruption. The statutory provisions referred to above, directions given by Hon'ble Supreme Court and this Tribunal, the Guidelines issued by MoEF & CC and SoPs issued by Director, Mining and Geology and Director General of Police, Haryana need to be strictly followed and complied with and any violation by the concerned officer/official needs to be visited not only with disciplinary action against him but also his prosecution in accordance with law..."

23. In his reply filed vide email dated 18.10.2023 the applicant has mentioned that illegal mining is still continuing and has made reference to specific incidences with relevant documents.

24. In the facts and circumstances of the case we are constrained to and do hereby constitute the following Committee for looking the aspects of enforcement and monitoring of compliance with environmental norms, guidelines and directions issued by Hon'ble Supreme Court of India and This Tribunal:-

Sr. No.	Name of the officers	Chairman/Member
1	Additional Chief Secretary/Principal Secretary, Environment, Forest and wildlife Department, Haryana	Chairman
2	Divisional Commissioner, Gurugram Division, Gurugram	Member
3	Divisional Commissioner, Faridabad Division, Faridabad	Member
4	Inspector General of Police, law and Order, Haryana	Member
5	Director, Mining and Geology Department, Haryana	Member
6	Member Secretary, HSPCB	Member Secretary
7	Chief Conservator of Forest (South) Haryana	Member

The Committee shall meet periodically with such intervals as may be considered appropriate with at least one meeting every quarter and look into all relevant aspects of enforcement and monitoring to prevent illegal mining and transportation, reclamation/rejuvenation of illegally mined areas and imposition and realization of environmental compensation. Member Secretary, HSPCB being the Member Secretary of the Committee shall be the nodal officer for coordination and compliance. All expenses of the Committee will be borne by HSPCB out of environmental Damage Compensation lying deposited with it. The Committee may

submit its recommendations to this Tribunal for issuance of appropriate directions. The Minutes of the meeting and reports/recommendations made by the Committee will be uploaded by the Department of Mining and Geology on its website.

Information regarding Stone Crushers

25. Vide order dated 28.04.2023, this Tribunal directed the Director Mining and Geology, Haryana and the District Magistrates, Faridabad, Gurugram and Nuh to file affidavits giving the following information:-

"(i) Number of stone crushers/screening plants operating in District, Faridabad, Gurugram and Nuh;

(ii) The mechanism evolved regarding monitoring of procurement/purchase of minor minerals by the stone crushers/screening plants and sharing/cross checking/verification of the information supplied by the concerned Project Proponents with the concerned regulatory authorities and the suppliers regarding originating source of the minor minerals;

(iii) Number of Nakas setup in District Faridabad, Gurugram and Nuh for checking of vehicles carrying minor minerals for supply to the stone crushers/screening plants in the area;

(iv) Whether entry of vehicles carrying minor mineral is made and whether any record is kept regarding vehicles entering in District Faridabad, Gurugram and Nuh with minor minerals with all requisite details as to the number of the vehicle, name of the owner, weight of the minor

mineral carried, number, date and other details of the transportation permit and name of the supplier from whom/mine from which the material has been brought; and

(v) Whether all the vehicles carrying such minor mineral for supplying the same to the stone crushers/screening plants in the Aravalli region in the State of Haryana are required to be equipped with GPS.

26. In compliance thereof Dr. Narhari Singh Banger, Director Mines and Geology, Department of Haryana has filed affidavit dated 12.08.2023 and Mr. Nishant Kumar Yadav, Deputy Commissioner, Gurugram, Mr. Dhirendra Khadgata, Deputy Commissioner, Nuh and Mr. Vikram Singh, Deputy Commissioner, Faridabad have also filed affidavits dated 17.10.2023. The relevant part of the affidavit of the Dr. Narhari Singh Banger, Director Mines and Geology, Department of Haryana is reproduced as under:-

"AFFIDAVIT OF DR. NARHARI SINGH BANGER (IAS), DIRECTOR MINES AND GEOLOGY, DEPARTMENT OF HARYANA IN COMPLIANCE OF ORDER OF HONBLE NGT NEW DELHI DATED 28.04.2023

X X X X X X

2. That in compliance of order dated 28.04.2023, the point-wise requisite information is as under:-

(i) That there are total 206 number of stone crushers/screening plants operating in District Faridabad, Gurugram and Nuh.

ii) That in respect to the mechanism evolved regarding monitoring of procurement/purchase of minor minerals by the stone crushers/screening plants and sharing/cross checking/verification of the information supplied by the concerned project proponents with the concerned regulatory authorities and the suppliers regarding originating source of the minor minerals can be checked/verified through e-Rawanna generated by the lease holder to the stone crushers/screening plants, whereby mentioning the registration number of vehicles, date and time of generating e-Rawanna/Transit Pass and date and time of validity of said e-Rawanna/Transit pass. The said e-Rawanna/Transit pass can be checked/ verified upon the e-Rawanna portal of Mining Department of concerned states.

iii) That in respect to number of Nakas, there is one naka setup in Pali Crusher Zone, District Faridabad and one naka setup in Village Dondal at Nuh Haryana-Bharatpur, Rajasthan Boarder for checking of vehicles carrying minor minerals for supply to the stone crushers/ screening plants in the area and all the details/ records of vehicles transporting minor minerals are kept in a separate register maintained at aforesaid nakas.

iv) That in respect of records of vehicles entering in District Faridabad, Gurugram and Nuh with minor minerals with all requisite details as to the number of vehicle, name of the owner, weight of the minor mineral carried, date, time and other details of the transportation permit and name of the supplier from whom or mine from which the material has been brought are kept through e-Rawanna generated by the lease holder from the e-Rawanna portal of mining department of concerned states.

v) That in respect to the query raised in point No. 5, there is no stone crusher/ screening plants in the Aravalli region in the State of Haryana.

3. That in compliance of the direction passed in Para no. 20 of the order dated 28.04.2023, in all FIR cases, complaints has already been filed under Section 195 Cr.P.C in district Nuh and Gurugram....."

27. **Para 1.213.2 Level 2-Transporation Monitoring** of the **Sand Mining Frame Work, 2018** issued by **Ministry of Mines** (extracted in Enforcement and Monitoring Guidelines for Sand Mining, 2020 at page 39) provided that to make transportation monitoring effective and useful, all the sand carrying vehicles (tractors/trucks) should be registered with the Department and GPS equipment should be installed in all the sand carrying vehicles. The High Power Committee constituted by this Tribunal also made recommendation no. vii (extracted in Enforcement and Monitoring Guidelines for Sand Mining, 2020 at page 43) that the route of the vehicle form source to destination shall be tracked through the system using checkpoints, Radio-frequency identification (RFID) tags, and Global Positioning System (GPS) tracking. Guideline 9.5 vi of the Enforcement and Monitoring Guidelines for Sand Mining, 2020 also requires that the route of the vehicle form source to destination shall be tracked through the system using checkpoints, RFID tags and GPS tracking.

28. This Tribunal had pointedly asked the information as to whether all the vehicles carrying such minor mineral for supplying the same to the stone crushers/screening plants in the Aravalli region in the State of Haryana are required to be equipped with GPS. In respect of the above said query it has been replied that there is no stone crusher/screening plants in the Aravalli region in the State of Haryana by taking advantage of the fact that this Tribunal did not specify the names of the three Districts in the query. No information has been provided as to whether all the vehicles carrying such minor mineral for supplying the same to the stone crushers/screening plants in all the three Districts- Faridabad, Gurugram and Mewat at Nuh are equipped with GPS or not.

29. The respondents no. 2 and 3 are directed to ensure strict implementation of Enforcement and Monitoring Guidelines for Sand Mining, 2020 and issue appropriate directions and take requisite measures for ensuring that all the vehicles carrying minor mineral for supplying the same to the stone crushers/screening plants in all the three Districts- Faridabad, Gurugram and Nuh are equipped with GPS latest by 28.02.2024 and vehicles without GPS shall not be allowed to carry any minor mineral in all the three Districts- Faridabad, Gurugram and Nuh to any destination including the stone crushers/screening plants. The route of the vehicle form source to destination be tracked through the system using checkpoints, Radio-frequency identification (RFID) tags and Global Positioning System (GPS) tracking. The requisite facilities be provided, systems be installed and control room/monitoring station be set up for this purpose accordingly.

Imposition and Utilization of Environmental Compensation

30. Vide order dated 28.04.2023 this Tribunal directed HSPCB, (i) to initiate proceedings for imposition and realization of environmental damage compensation from all persons involved in illegal mining throughout the State

of Haryana including Aravali and file consolidated Action Taken Report and (ii) submit an Action Plan regarding utilization of environmental compensation for reclamation/rehabilitation of the land illegally mined in the Aravalli region in the State of Haryana and concerned respondents are also directed to submit their response to suggestions given by the applicant.

31. In compliance thereof interim report has been filed by HSPCB the relevant part of which reads as under:-

> ***"Interim Action Taken Report of Pardeep Kumar, Member Secretary, Haryana State Pollution Control Board***
>
> *X X X X*
>
> *2 That Mining Department has imposed Environment Compensation and the amount of EC is approx. Rs. 16.89 crore and shall be utilized in rejuvenation of Aravali area as per upgraded Rejuvenation Plan.*
>
> *3. That the Chairman, HSPCB held a meeting on 06.12.2023 with officers Forest Department, Mining Department and various experts in the field of Bio-diversity, Wildlife, Forestry, Water Conservation along with the members of "Aravali Bachao Citizen Movement". In the meeting, the issue of Aravali Rejuvenation was discussed thoroughly. The proceedings of the meeting are enclosed as Annexure R-I. It has been decided the Aravali Rejuvenation Plans of districts shall be upgraded on the template given by experts and shall be presented by respective DFOs on 16.12.2023 in a workshop to be organized at Gurugram. The DFOs shall update the rejuvenation plan as suggested by the experts and get it approved from the District Committee comprising of the following:-*
>
> *i. Deputy Commissioner (Head of Committee)*
> *ii. RO HSPCB (Convener)*
> *iii. District Mining Officer*
> *iv. District Forest Officer*
>
> *The Rejuvenation Action Plans prepared by the District Committees shall be examined by the State Committee comprising of the following:-*
>
> *i. Dr. Babu Ram, Technical Expert, HSPCB (Head of the Committee-cum-Convener)*
> *ii. Smt. Madhavi Gupta, State Mining Officer,*
> *iii. Dr. Sumeet Dookia, Sr. Scientist, Wildlife Research, Indraprast, University,*
> *iv. Col. Sarrvadaman Singh Oberoi, Mrs. Neelam Ahluwalia from Aravali Bachao Citizen Movement*
> *v. One officer each dealing with Forests and Wild Life to be nominated by the concerned departments*

Subsequently, the action plan shall be submitted before Govt. for approval and implementation.

4. That preparation of Aravali Rejuvenation Action Plan for reclamation/rehabilitation of the land illegally mined in the Aravali region likely to take further two months time."

32. In the Interim Report there is no mention as to initiation of proceedings. for imposition on and realization of environmental damage compensation from all persons involved in illegal mining throughout the State of Haryana including Aravali. It may be observed here that the proceedings for imposition and realization of environmental damage compensation do not originate from and are not dependent on criminal proceedings. In fact the same originate from and are dependent on illegality of mining and transportation and derive their jurisdiction, validity and authority from the environmental laws including the Environment (Protection) Act, 1986, the Air (Prevention and Control of Pollution) Act, 1981, the Water (Prevention and Control of Pollution) Act, 1974 and the Mines And Minerals (Development and Regulation) Act, 1957 and Rules made thereunder and the directions given by Hon'ble Supreme Court of India and this Tribunal. There is no valid justification for not initiating the same. The HSPCB is directed to prepare SOP for the same and issue instructions within two months from the receipt of a copy of this order to all its Regional Officers for initiating and conclude the proceedings for imposition of environmental compensation in all cases of illegal mining and transportation in accordance with law within two months. Aravali Rejuvenation Action Plan for reclamation/rehabilitation of the land illegally mined in the Aravali region be also prepared and filed within two months by email at judicial-ngt@gov.inpreferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

33. List the matter for further consideration on 09.01.2024 for hearing regarding objections taken in the reply filed by the applicant.

34. Interim injunctive orders passed by this Tribunal in the course of hearing on 10.10.2022 shall continue till further orders to the contrary. The Director Mines and Geology Department, Haryana, the Deputy Commissioners, Faridabad, Gurugram and Mewat, Commissioners of Police Faridabad and Gurugram and Superintendent of Police, Mewat are directed to take requisite steps for ensuring compliance with directions given by this Tribunal from time to time including directions given vide order *dated 26.02.2021 passed by this Tribunal in O.A No. 360/2015 titled as NGT Bar Association Vs. Virender Singh* for preventing illegal mining.

35. It may be mentioned here that non-compliance with the directions issued by this Tribunal is an offence punishable under section 26 of the National Green Tribunal Act, 2010 and any disobedience of directions of law regarding investigation of cognizable offences by any Police Officer/Official is also an offence punishable under Section 166 A of the Indian Penal Code, 1860 and action against the defaulting officers/officials be taken accordingly.

36. In view of the facts and circumstance of the case, we also consider personal appearance of the Senior Officers duly authorised by Director General of Police, Haryana, Director Mining and Geology Department, Haryana and Member Secretary, HSPCB on the next date of hearing to be essential for assisting this Tribunal in just and proper adjudication of the questions involved in the case. Accordingly they are directed to remain present before this Tribunal on that date.

37. A copy of this order, along with a copy of the complaint, be forwarded to the Chief Secretary, Government of Haryana, Director General of Police, Haryana, Principal Chief Conservator of Forest (HoFF), Government of Haryana, Director, Mining and Geology, Haryana, Commissioner of Police Gurugram, Commissioner of Police, Faridabad, Superintendent of Police, Nuh

and Deputy Commissioners, Gurugram, Faridabad and Nuh respectively by email for information/requisite compliance.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

December 11th 2023
AG

Item No.09 (Court No. 2)

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI.

(Through Physical Hearing with Hybrid VC

Option) Original Application No.362/2022

Aravalli Bachao Citizens Movement Applicant

Versus

Union of India & Ors. Respondents

Date of hearing: 9.01.2024

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER HON'BLE DR. AFROZ AHMAD, EXPERT MEMBER

Applicant: Mr. Rahul Chaudhary and Ms. Itisha Awasthi Advocates for the Applicant.

Respondent: Mr. Rahul Khurana Advocate for Respondents No. 1 to 6.
Mr. Vikrant Panchanda Advocate for CPCB (through VC).
Ms. Madhvi Gupta, Mining Engineer (through VC).
Mr. Balraj Ahlawat, Sr. EE HSPCB.
Mr. Abhishek Jorwal, IPS, DCP (HQ), Faridabad Haryana (through VC).

Application has been filed under sections 14 and 15 of the National Green Tribunal Act, 2010.

ORDER

1. Vide order dated 11.12.2023 the matter was adjourned for today i.e. 09.01.2024 for hearing regarding objections taken in the reply filed by the applicant.

2. The Case is adjourned to **22.03.2024** for submission of reports as directed vide order dated 11.12.2023 and consideration on all aspects involved including objections taken in the reply filed by the applicant.

3. Interim injunctive orders passed by this Tribunal in the course of hearing on 10.10.2022 shall continue till further orders to the

contrary. The Director Mines and Geology Department, Haryana, the Deputy Commissioners, Faridabad, Gurugram and Mewat and Commissioners of Police Faridabad and Gurugram and Superintendent of Police, Mewat are directed to take requisite steps for ensuring compliance with directions given by this Tribunal from time to time including directions given vide order *dated 26.02.2021 passed by this Tribunal in O.A No. 360/2015 titled as NGT Bar Association Vs. Virender Singh* for preventing illegal mining.

4. The Senior Officers duly authorised by Director General of Police, Haryana, Director, Mining and Geology Department, Haryana and Member Secretary, HSPCB are directed to remain present before this Tribunal on that date.

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

January 9th 2024.

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Annexure- R/9

Item No.05 Court No. 1

BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI

Original Application No. 295/2021

H S Khatana Applicant

Versus

State of Haryana Respondent

Date of hearing: 09.02.2024

CORAM: HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER

Respondent: Mr. Rahul Khurana, Adv. for the State of Haryana & HSPCB with
Mr. Sandeep Singh, RO, Faridabad,
Ms. Madhvi Gupta, State Mining Engineer &
Mr. Niranjal Lal, Mining Officer, Faridabad

ORDER

1. Grievance in this application is against illegal mining in private and panchayat land to the detriment of environment at Village Rithoj, District Gurugram, Haryana. It is stated that mining is being done without requisite permission and in unscientific manner, resulting in depletion of water table, green cover and damage to water bodies.

2. Matter was examined by Tribunal on 10.11.2021 and after referring to its earlier order dated 26.02.2021 passed in *O.A. No. 360/2015, NGT Bar Association vs. Virender Singh (State of Gujarat),* Tribunal constituted a joint Committee comprising Haryana State PCB, SEIAA, Haryana and District Magistrate, Gurgaon to ascertain facts and furnish a factual and action taken report in the matter.

3. Pursuant thereto, report dated 28.08.2022 was filed stating that inspection was conducted on 10.05.2022.

4. The said report was considered by Tribunal on 29.08.2202 and finding and conclusions recorded in report dated 28.08.2022 were noticed by Tribunal as under:-

"Finding and Conclusion: -

1. *There are irrefutable signs of recent/fresh mining and transportation of sand about which no permit or plausible explanation or action taken report was available till the day of inspection and further till now.*

2. *The mining conditions regarding felling of trees without due permission and restricting the depth of digging to 9 ft. have been blatantly violated,*

3. *Based on above findings,* ***the grievances of the complainant regarding (i) mining without permit, (ii) mining in unscientific manner and (iii) depletion of green cover carry weight at least in regard to the recent/fresh mining instances. Depletion of water table and damage to water bodies is not being caused by the mining activity per se, but subsequent land leveling/compacting may obliterate small body bodies and impoverish sub-surface moisture regime. Denudation may increase evaporation losses and enhanced absorption of solar heat. Removal of porous sand and increase in impervious surface may reduce infiltration and affect ground water table. At present, the old mining pits are serving as seasonal water conservation puddles.***

4. ***This site adjoins the Aravalli hill range which makes an important wildlife habitat and a narrow wildlife corridor from Mount Abu to Delhi. The ecology of the tract already under stress due to biotic pressure from both sides of the Aravalli hills. The indiscriminate mining in this area is poised to cause irreversible damage to the natural ecosystem, wildlife habitat, enhance air pollution and add to global warming. Therefore, all concerned departments need to take timely and effective measures to enforce the applicable laws/rules in the interest of the environment and ecology of the region."***

5. Tribunal found that above findings show that illegal mining causing adverse impact on environment is acknowledged but effective action to prevent the same was not taken by respondent State though learned Counsel orally assured Tribunal that remedial action shall be taken. Consequently, Tribunal permitted Joint Committee already constituted to

coordinate with other concerned Departments and submit a further action taken report.

6. Consequently, report dated 02.01.2023 was filed which was considered by Tribunal on 05.01.2023 and it was observed that there was nothing of substance stated in the report and very casual report was submitted. Recording serious disapproval to the conduct shown by Joint Committee, Tribunal allowed further time to file action taken report vide order dated 29.08.2022.

7. Thereafter, a further report dated 06.02.2023 filed was considered by Tribunal on 08.02.2023. Tribunal observed that again without adequate remedial measures, report has been filed. The extract of the report as reproduced in para 4 of order dated 08.02.2023 reads as under:-

"A. ATR of Forest Department

1. *It is stated in the ATR that Rectangle nos. 24(min), 25(min). 26(min), 44(min) and 45(min) are covered either under Aravalli Plantation or notified u/s PLPA 1900 and thus are forest land, and that `No mining activity in the forest land is permitted and forest department takes action against the offenders as per law. Further, entire area of Sohna tehsil is notified under general section 4 of PLPA wherein felling of trees without permission from the Forest Department is prohibited. It has been stated that Forest Department has not issued any permission of tree felling for carrying out or enable mining in the said land either to panchayat or mining agency.*

2. *The* ***responsibility of seeking such permission from the Forest Department lies with the land-owning agency or the agency carrying out mining. However, the responsibility of taking action on any violation of PLPA by carrying out any unpermitted activity lies with the Forest Department, which ought to be done timely of their own instead of waiting some committee to point out the violation.***

3. *As mentioned in the Forest Department's ATR that the time-series analysis of satellite images does indicate mining and tree felling instances. The value of trees or plants in this sandy tract doesn't lie as much in their timber or fuel value as in the ecosystem services rendered by them in the form of sand dune stabilization, soil binding, addition of organic matter and moisture conservation as shown in photo plate P7 & P8. However,* ***in total indifference to the ecosystem***

concerns, the plants or trees coming in the way of sand/earth excavating machines are almost certain to be uprooted and removed.

A comparative study of the imagery of Aug 2017 and March 2022 as enclosed in the Forest Department's ATR shows that in kila no. 6 of Rectangle 32 (closed under general Section 4 of PLPA where prior permission for tree felling is required), ***there was considerable green-cover during 2017 including several trees, but it has disappeared before March 2022 as it is nowhere to be seen in 2022 imagery. Further the green cover also seems to have decreased Rectangle 12, 13, 14 and 15 of village Rithoj in recent years as indicated in satellite imageries of September 2017. October 2020 and March 2022*** *enclosed as P2.2.*

4. ***The Forest Department's ATR shows several measures adopted to check illegal mining and tree felling. However, the effectiveness of the same in the areas visited on 25.01.2023 was not found satisfactory as shown in following date-time-location stamped photos.***

   a) *The earlier sand mine in Rectangle 7 (P3) is being further extended/deepened inwards. The old mines are being activated as observed in Rectangle 25 (P4& P6). The trees coming in the way of mining operations are being indiscriminately uprooted or rendered vulnerable to falling down as shown in P7 & P8.*

   b) *Some new plantation was noticed but its survival and healthy growth is highly unlikely (P9). About 10 saplings planted near a pond have been provided with brick fencing. The accompanying forest officials told that 1500 Papri saplings have also been planted. However, present average height of the surviving saplings is about three feet and there is no fencing. The saplings are susceptible to browsing and trampling by the intense cattle pressure as indicated by the cattle footmarks and droppings on the sandy terrain.*

5. *The department has submitted a Restoration Plan (as enclosed) involving plantation of native species during the coming July/August for restoration of green cover in village Rithoj closed u/s 4&5 of PLPA 1900. Besides the proposed plantation, the plan includes various measures for overall protection of the ecosystem and take proactive steps whenever any damage is done.* ***It can be expected that better & adequate technical and protection measures will be taken for restoration and protection of the ecosystem and environment.***

B. *ATR of Mining and Geology Department*

1. *In the context of fresh mining observed on 10.05.2022, the mining officer has cited certain letters written to the SHO Police Station Bhondsi vide Memo No. 375 dt. 11.05.2022.*

1147 dt. 29.08.2022 & 2221 dt. 09.01.2022 with copies to the Forest Range Officer and BDPO Sohna for necessary action. Above letters of the mining officer have finally resulted in registration of an FIR no. 0023 dated 25.01.2023 PS Bhondsi. The culprits involved in the said illegal activities should be identified by the police and action should be taken as per law.

2. *The mining officer's plea of (i) consent of the owner for the excavation and (ii) use of the earth in the development of a National Highway Project do not justify violation of the mining rules in vogue and eventual damage to the ecosystem and environment.*

3. *The claim of the Mining Officer regarding compliance of STP conditions is unacceptable. The* ***uprooting/damage of trees during mining is apparent albeit there is no instance of obtaining prior permission from the forest department. Similarly, the depth of digging far above the height of the excavators' bucket and exceeding the permissible 9' is more than apparent. Further, there is no record of any action taken against any permit holder for violation of the permit rules/conditions, like imposing penalty etc.***

4. ***There is no explanation viz., any right, privilege, concession, permit or license issued under any rule for the new mining operations and the activation of old mines noticed by the joint committee on 25.01.2023.***

5. *Besides registration of the FIR on 25.01.2023, on recommendation of the BDPO Sohna. the Gram Panchayat Rithoj constituted a local committee on 17.01.2023 comprising the Sarpanch, Panch, Panchayat Secretary, village Chaukidar, Mining Guard and Forest Guard to stop the illegal mining. This committee should work earnestly to ensure prevention of illegal mining.*

6. *Other measures reported in the ATR include deputing a mining guard for strict vigil over illegal mining, erecting a sign-board and digging trenches at the entry and exit points of Panchayat Land dunes. The signboard and the trenches dug at the mining entry and exit points are shown in photo P1. However,* ***these measures have been taken very late after the previous committee visit on 10.05.2022 because in the meantime, the mine in Rectangle 7 (P3) has been further extended/deepened whereas in Rectangle 25, fresh-mining operations (P4) and activation of old mines (P6) were observed.***

7. ***The mining officer has estimated the quantity of the theft of earth on three sites as 2860, 588 and 274 MT. The loss of royalty to the government @ Rs. 3.50 per MT as per Mining Rule of 2012 works out to Rs. 10010, 2058 and 959 respectively further totaling to Rs 13,027/-. Besides the loss of revenue to the government, there is much more ecosystem loss in terms of disturbing the stabilized sand dunes, moisture conservation and green cover. It is expected that the***

Police and Mining department will find the real culprits and recover the revenue loss, besides ensuring that such revenue and ecosystem loss will not recur.

5. Findings and Conclusion: -

1. *Present quantum of fresh excavation of soil as observed on 25.01.2023 on the site is far less than that seen in the previous visit of the committee on 10.05.2022 even-though new mining operations and activation of some old mines is still a reality.*
2. *The police FIR on the 10.05.2022 incidence has been registered only now on 25.01.2023 after 8 months. Similarly, a local committee has been constituted only recently on 16.01.2023, trenches have been dug across paths, a mining guard has been deputed and public notice board have been fixed. This committee should work earnestly to ensure prevention of illegal mining and Police Department should take immediate action.*
3. *The mining officer seems to be helpless in controlling illegal mining thus far. Now, deputation of a Mining Guard with Local Committee in this area may help in prevention of illegal mining activity. District Administration must review the functioning of this committee.*
4. *The concerns expressed by the committee in its previous report about importance of the narrow Aravalli hill ecosystem as a threatened wildlife habitat and corridor requires seriousness consideration. The sand dunes of this village form a protective buffer for the Aravalli hills situated further high in the east. The onus of implementation of the proposed Restoration Plan lies with the Forest Department but the expenditure should be shared by the beneficiary departments of mining revenue, primarily the Mining & Geology Department."*

8. Tribunal observed that illegal mining was continuing but Administration was not able to control the same. Despite acknowledging ecological significance of Aravalli Hills and threat to Wildlife Habitat and corridor, remedial measures were not taken. Tribunal recorded its serious disapproval to the conduct of authorities and said that the above fact shows paralysis of Administration on the subject in breach of 'Public Trust Doctrine' obligating State to protect environment. The plea of lack of resources was also deprecated observing it is a poor substitute for compliance of mandatory constitutional duties of State. Consequently, Tribunal observed that situation demand that Chief Secretary, Haryana should be directed to take personal look into the matter and take remedial measures including provisions for necessary infrastructure in terms of

man power, equipment, prompt remedial measures to plug the failures including restoration measurers such as afforestation, soil and water conservation, continuous surveillance and monitoring etc. and to submit action taken report before Tribunal.

9. Consequently, report dated 17.07.2023 was filed by Chief Secretary which was considered on 22.08.2023 by the Tribunal. Report shows that a Committee for taking action namely "Aravalli Rejuvenation Board" was constituted comprising following officers:-

S. No.	Designation	Remarks
1.	Deputy Commissioner of the district concerned	Chairman
2.	DRO of the district concerned	Member
3.	CEO Zila Parishad of the district concerned	Member
4.	RO HSPCB of the district concerned	Member
5.	MO/AME of the district concerned	Member
6.	DFO of the district concerned	Member
7.	Any other members as the Deputy Commissioner of the respective district may deem fit	Member

10. The said body was constituted to deal with complaints on illegal mining maintaining coordination with the concerned Departments, maintaining ecological balance and prevention of eco-sensitive zone etc. However, what action actually was taken by the authorities concerned to control illegal mining was not mentioned in the said report and for this purpose, Tribunal granted further time to file action taken report.

11. Since report was not filed as directed when matter was taken up on 30.11.2023 and a further time was sought, Tribunal subject to payment of cost of Rs. 10,000/- granted further time to State to file report.

12. Shri. Rahul Khurana, learned Counsel for State has stated that order dated 30.11.2023 has been complied and cost of Rs. 10,000/- has been

deposited. A report dated 08.02.2024 has been filed and it is said that issue of illegal mining in village Rithoj (Gurgaon) has been addressed by taking steps including digging trenches, constituting designated Committees etc. and various other directions have been issued. Relevant extract of the report dated 08.02.2024 is reproduced as under:-

> "4. *Grievance raised in present OA, i.e., illegal mining in village Rithoj (Gurgaon) has been addressed by taking steps including digging trenches and constituting a designated committee to lave regular visit at the site in question. detailed as under:-*
>
> (i) *trenches have been digged at if e entry and exit' points of Panchayat land sand dunes to restrict any kind of vehicular movement in the area.*
>
> (ii) *a Sign Board regarding not to do illegal mining/theft of ordinary earth in the said areas is also fixed at entry point of the Panchayat land.*
>
> (iii) *to prevent the illegal mining instances in and around the land in question in village Rithoj District Gurugram, a Committee has been already constituted by the Gram Panchayat Rithoj comprising Sarpanch, Panch Panchayat Secretary. Chowkidar of village Rithoj. Mining Guard and Forest Guard. One Mining Guard and One Forest Guard for the strict vigil over the area of village Rithoj. This committee is visiting the land in question regularly.*
>
> (iv) *as a result of the above mentioned steps, no instance of illegal mining has been reported in the said area. Some shrubs have also been grown up over the land in question. Apart from this, as restoration measures, the plantation work was done by the Forest Department during July & August, 2023 in 2.5 hectares of Panchayat Land of village Rithoj.*
>
> 5. *That the State of Haryana has constituted the "Aravali Rejuvenation Board" vide order dated 13 June 2023, to achieve the Integrated Environment Management and Sustainable Development of the Aravali Range, the details of which have been mentioned in the previous report dated 06 July 2023. This is also relevant to mention here that the District Level Task Force under the chairmanship of District Magistrate concerned examines the issue of illegal mining instances and action taken by the departments concerned thereon. Meeting of the District Level Task Force is held once in a month to review the incidents of illegal mining and action taken thereon in these districts.*

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6. That a Control Room has been setup in the office of Mines & Geology Officer at Faridabad. Toll Free number (1800-180-5530) has been issued for receiving the complaints of illegal mining in Aravali Range of District Faridabad, Gurugram and Nuh and to take prompt action thereon. The mail id of Control Room has also been created, i.e., aravalibachafgnomail.com. No complaint has been received regarding illegal excavation of ordinary clay as well as Gair mumkin pahar in the area of village Rithoj on toll free number, Email or written complaint.

Information about this number and email id has been circulated through leading Newspapers, i.e., Times of India. Hindustan Times, Dainik Jagran and Dainik Bhaskar etc. being widely distributed in these districts. The same has also been affixed on the Notice Board of office of the Deputy Commissioner as well as the Mining Officer of these three districts.

7. That Sign Boards have been placed Dn prominent places in the Aravali Areas of District Faridabad, Gurugram and Nuh indicating that mining is prohibited and same the is punishable offence. Photographs of such sign boards/paintings in Gurugram and Faridabad are annexed herewith as ANNEXURE - R/5.

8. That on 17 November 2023, a meeting of all concerned officers including Additional Chief Secretary-Environment & Forest Department, Director General, Mines & Geology Department, ADGP (Law & Order). Member Secretary. HSPCB, Deputy Commissioners of these three districts and other officers concerned was held under the chairmanship of Chief Secretary, Govt. of Haryana. After detailed discussion, further information was asked from the department concerned on various points including plantation done in aravali area, use of drones & CCTV camera, cases of illegal mining and action taken thereon etc. After the said meeting, on the basis of information provided, steps taken by respective authorities to prevent illegal mining are narrated in succeeding paragraphs.

Incidents of Illegal Mining and Action Liken:

9. That strict vigilance is being kept in Faridabad, Gurugram and Nuh districts. During the period of last four months. i.e. 01 October 2023 to 31 January 2024, no on-site mining was noticed in the Aravali range of Faridabad and Gurugram districts. 9 on-site illegal mining incidents were noticed in the Aravali area of district Nuh. The detail of instances of illegal mining in aravali area of District Nuh and action taken thereon is annexed in a tabulated chart as **ANNEXURE-R/6.**

Incidents of transportation of mineral extracted from Aravali Range, i.e., stone and subsequent processed mineral (Stone dust, Rodi) without e-

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ravana/valid e-ravana were noticed in Faridabad, Gurugram and Nuh districts. The district wise abstract of instances of transportation of such material without e-ravana/valid e-ravana and action taken thereon by the respective district administration has been tabulated and annexed as ***ANNEXURE-R/7.***

Drone Survey, Setting up of CCTV Cameras, Nakas, Community Awareness:

10. *That as per reports received from all the departments concerned, mining instances were noticed in district Nuh. At first instance, drone mapping and use of CCTV cameras have been adopted in district Nuh by the Police Department. The steps taken by the Police Department in district Nuh to stop illegal mining and to catch vehicles involved in illegal mining are summarized as under:*

    (i) Drone Survey is being done once in a week and thereafter suspicious places are being physically verified by the police personals.

    (ii) 13 number of Police Nakas have been setup intra-District (7) and at inter-state boundary (6). At some Nakas, Night Vision CCTV Footage Cameras are set up and images are being monitored at Control Room at SP Officer, Nuh.

    (iii) Joint combing of Para-Military Force and the Haryana Police is being done to identify the mining prone areas.

    (iv) A special Anti-Mining Staff has been constituted which do patrolling day and night in illegal mining prone areas. Trenches has been digged on the approach path towards Aravali range exposable to mining.

    (v) To create awareness in the community for protection of Aravali, Nuh Police holds tours to hills & session for Students. Visit of students of 15 Sr. Secondary Schoc Is have been organized with teachers of Geology, Botany and officials of Forest Department to aware the students about bio-diversity of Aravali and create atmosphere at public at large to prevent illegal mining.

11. *That the Gurugram Metropolitan Development Authority has initiated tendering through Gem portal of Govt. of India for the procurement of Drone Service for all these three districts*

New Portal & Registration of GPS enabled vehicles only:

12. *A new portal namely "Haryana Mines & geology Information System (HMGIS) portal" was launched on 13 September 2023 by the Hon'ble Chief Minister of Haryana. The real time location of the weighbridge and mineral laded vehicles are mapped in this portal, which in turn, helps in curbing the illegal mining and illegal transportation of the mineral. Besides, this weight of the mineral loaded vehicle is being captured by the system*

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automatic ally without any manual intervention, which would not allow any malpractice like tempering etc. The said portal has been implemented throughout the State w.e.f. 25 December 2023 by replacing the older e-Rawanna system. Registration by all units of Contractors/lessees, Mineral Dealer license holders, Stone Crusher license holders is in process. Now, no e-ravana is generated to vehicles without being GPS enabled. The development of mechanism of tracking 01 these vehicles is in process with the assistance of Transport Department.

Restoration Plan for Mining affected areas:

13. *That in pursuance of the orders of the Hon'ble NGT in OA No. 362/2022 titled as Aravalli Bachao Citizens Movement Vs U01 & Ors., the Chairman, HSPCB is monitoring the progress over preparation of Restoration Plan in coordination with the Forest Department, Mining Department and various experts in the field of Bio-diversity, Wildlife, Forestry, Water Conservation along with the members of the original applicant "Aravalli Bachao Citizen Movement":*

The Chairman, HSPCB held a meeting on 06 December 2023 with officers of the Forest Department. Mining Department and various experts in the field of Bio-diversity, Wildlife, Forestry, Water Conservation along with the members of Aravalli Bachao Citizen Movement". In the meeting, the issue of Aravalli Rejuvenation was discussed thoroughly. It was decided during the meeting that the Aravalli Rejuvenation Plans of districts shall be upgraded on the templates given by the experts and shall be presented by respective DFOs on 16 December 2023 in a workshop to be organized at Gurugram. The Rejuvenation Action Plans prepared by the District Committees were to be examined by the State Committee comprising of following:-

i. *Dr. Babu Ram, Technical Expert. HSPCB (Head of the Committee-cum-Convener)*

ii. *Smt. Madhavi Gupta. State Mining Engineer.*

iii. *Dr. Sumeet Dookia, Sr. Scientist, Wildlife Research, Indraprast, University,*

iv. *Col. Sarrvadaman Singh Oberoi, Mrs. Neelam Ahluwalia from Aravali Bachao Citizen Movement*

v. *One officer each dealing with Forests and Wild Life to be nominated by the concerned departments.*

The proceedings of the meeting dated 06 December 2023 are enclosed as annexed as ***ANNEXUR E-R/8.***

14. *That the Chairman. HSPCB held another meeting/workshop at Gurugram on 16 December 2023. The Technical Expert, HSPCB explained about the directions of Hon'ble NGT and necessity of conservation of*

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biodiversity, water and environment which may be part of Aravalli Rejuvenation plan for sustainable management of natural resources of the Aravalli. The DFOs of these districts explained their draft rejuvenation plan. The experts in the field of Geology/Ecology gave their valuable comments/suggestions to make improvements/amendments/modifications in the draft rejuvenation action plans. After detailed discussion and deliberations, various decisions were taken. It was decided the t the DFOs will submit draft rejuvenation plan duly approved by the Aravalli Rejuvenation Board/Deputy Commissioner to the St to Level Committee (SLC) and the SLC may review the activities mentioned in the Aravalli rejuvenation action plan on quarterly basis. It was also decided that stand of the Government before various courts should be considered in preparation and finalization of the Aravalli Rejuvenation Plan. The plan shall also include assessment for environment damages in Aravalli districts due to Mining and other activities. The decision regarding declaring the area as environmentally sensitive can be taken only after approval of the plan by the State Government.

15. *That the State Level Committee examined the draft District plans of Aravalli rejuvenation in its review meeting dated 30 December 2023 and after detailed deliberations on all the activities mentioned in the rejuvenation plan, SLC made district plan wise recommendations.*

The State Level Committee has recommended that action plan for ecological restoration of Aravalli Districts in Haryana shall be implemented in 2 phases:

Under Phase-1:

Aravalli Ecological Restoration Plan shall be focused on the critical activities like conducting ground truthing of all the Aravalli Districts using drones and on ground visits by the officers of Government Departments to identify all the locations of illegal mining. The work has been started and the ATR shall be submitted after the data is received from the field offices and compiled at state level. The short term and long term protection measures to stop illegal mining- line enforcement mechanism, effective and strict vigilance in mining area using drones with advanced cameras to identify and monitor illegal mining area, setting of the checkpost, setting up of forest check post, deployment of home guards across the Aravalli area and starting the base line survey for Districts to finalize the Aravalli District Level Rejuvenation Plan are to be implemented.

Under phase-2:

The implementation of the Ecological Restoration Plan based on the activities mentioned in the District

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Rejuvenation Plans and recommendations made by the experts.

16. *That it is noteworthy that this Hon'ble Tribunal vide order dated 11 December 2023 passed in OA No.362/2022 constituted a Committee, for looking the aspects of enforcement and monitoring of compliance with environmental norms guidelines and directions issued by the Hon'ble Supreme Court of India, as under:-*

Sr. No.	Name of the officers	Chairman/Member
1	Additional Chief Secretary/Principal Secretary, Environment, Forest and wildlife Department, Haryana	Chairman
2	Divisional Commissioner, Gurugram Division, Gurugram	Member
3	Divisional Commissioner, Faridabad Division, Faridabad	Member
4	Inspector General of Police, law and Order, Haryana	Member
5	Director, Mining and Geology Department, Haryana	Member
6	Member Secretary, HSPCB	Member Secretary
7	Chief Conservator of Forest (South) Haryana Chairman	Member

It has been directed that the Committee shall meet periodically with such intervals as may be considered appropriate with atleast one meeting every quarter and look into all relevant aspects of enforcement and monitorinc to prevent illegal mining and transportation, reclamation/rejuvenation of illegally mined areas and imposition and realization of environmental compensation. The Member Secretary, HSPCB being the Member Secretary of the Committee shall be the Nodal Officer for coordination and compliance.

In compliance of said direction, first meeting of the Committee was held on 04 January 2024 under the Chairmanship of the Additional Chief Secretary, Environment, Forest & Wildlife Department, Haryana followed by the meeting dated 18 January 2024 under the Chairmanship of Chairman, HSPCB. In the meeting following decisions were taken:

(i) Compilation of all directions/orders issued by Hon'ble Supreme Court of India, National Green Tribunal and High Court of Punjab & Haryana.

(ii) Adoption of enforcement & monitoring mechanism to prevent illegal mining and transportation

(iii) Preparation of Final District Rejuvenation Plans and taking further action on the activities, as mentioned in these plans.

(iv) Finalization of SoP for assessment, imposition and realization of Environment Damage Compensation in cases of illegal mining

17. That the draft SoP for assessment, imposition and realization of Environment Damage Compensation in cases of illegal mining has been prepared and under consideration of the Competent Authority. Next meeting to review the progress shall be held under the Chairmanship of the Additional Chief Secretary, Environment Department, Haryana, Chandigarh on 16.02.2024.

18. That the Forest Department carries out plantation programmes in various plans schemes like Rejuvenation of Degraded Forest. Desert Control and Agro-forestry in the Aravalli Hills Range. During 2023-24, Faridabad Forest Division has planted 15900 plants, Gurugram Division has planted 26650 plants in the District and Nuh Forest Division has planted 59500 plants in District Nuh under the aforesaid schemes in the Aravali Hills with native species."

13. It is further stated that in order to finalize comprehensive rejuvenation action plan for reclamation/rehabilitation of the land illegally mined in Aravalli region, 3 months further time be granted.

14. We find that substantial steps have been taken but Rejuvenation Action Plan also is of equal importance and matter cannot be delayed.

15. Considering the facts and circumstances of the matter, we dispose of this Application by directing respondents to implement and execute the steps taken as mentioned from para 4 to 18 of the report dated 08.02.2024 and also to finalize "Comprehensive Rejuvenation Action Plan" for reclamation/rehabilitation of illegally mined land in Aravalli region in State of Haryana within three months and execute the said Rejuvenation action plan within next six months and submit a comprehensive compliance report with the Registrar General of this Tribunal by 20.11.2024 by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

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16. Registrar General, if find necessary, shall place matter before the Tribunal for further orders.

17. With the above directions, Original Application stands disposed of.

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

February 09, 2024
Original Application No. 295/2021
SN