

**REPORT OF THE OVERSIGHT COMMITTEE, NGT, U.P, LUCKNOW**

**IN THE MATTER OF:-**

**ORIGINAL APPLICATION NO. 670/2018**

**ATUL SINGH CHAUHAN**

**VERSUS**

**MINISTRY OF ENVIRONMENT, FORESTS AND CLIMATE CHANGE &  
ORS.**

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

**(Revised in continuation of earlier report on the subject dated 04.07.2020)**

**I. INTRODUCTION**

Applicant **Atul Singh Chauhan** had approached the Hon'ble NGT with the contention that lot of irregularities were taking place in mining in river Yamuna at Prayagraj (Allahabad). He had filed a petition in the year 2018 titled *Atul Singh Chauhan vs. Ministry of Environment, Forest and Climate Change & Ors.* His contention was that mining was allowed prior to preparation of District Survey Report (DSR). He contended that it was being done in an unscientific way, in stream mining was resorted too. Mining was being done upto 4 to 6 meter deep using Pokland Machine. Mining was done without taking EIA clearance in violation of Supreme Court Order in *Deepak Kumar vs State of Haryana & others, (2012) 4 SCC 629*. 400 to 500 trucks of sand were daily moving out transporting sand in excess of the permissible limit of 125 trucks. These trucks were carrying a load of 12 to 20 cubic meters instead of permissible limit of 6 cubic meters. Mining was being done in utter violation of orders passed by Hon'ble NGT in the cases in order dated 04.09.2019 in **OA No. 173/2018** in re: *Sudarshan Das versus State of West Bengal and others*, order dated 26.04.2019 passed in **OA No. 44/2016** in re: *Mushtakeem versus MoEF & CC and others* and order dated 13.09.2018 passed in **OA No. 186/2016** in re: *Satendra Pandey versus MoEF & CC and another*.

**II. FEW ORDERS PASSED BY HON'BLE NGT IN O.A. No. 670/2018 IN RE: ATUL SINGH CHAUHAN VERSUS MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE AND OTHERS**

Hon'ble NGT constituted a **Joint Committee under the Chairmanship of Commissioner, Prayagraj** on 20.09.2018. The Committee while sending its report to the Hon'ble NGT acknowledged that illegal sand mining was going on.

1. **Vide order dated 12.02.2019**, Hon'ble NGT formed a Monitoring Committee under **Chairmanship of Justice Rajes Kumar** to examine the entire matter and send its report to Hon'ble NGT. E-tender notice was issued even without preparation of District Survey Report on 20.09.2018.

2. **On 09.05.2019**, Hon'ble NGT examined the report of Monitoring Committee. The Monitoring Committee in its report dated 29.03.2019 mentioned that illegal sand mining was going on in river Yamuna at Prayagraj. They came out with the following suggestions to remedy the situation:

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

Hon'ble NGT reiterated its **order dated 10.01 2019** whereby it had ordered that every vehicle carrying illegal sand should be confiscated and it should not be released without recovery of 50% of showroom price. This order has been affirmed by Hon'ble Supreme Court **on 07.05.2019**. Besides confiscation, environmental compensation should be levied against illegal mining which should be based on net present value of the cost of damage to environment along with the cost of restoration of environment as well as cost of illegally mined material.

3. Hon'ble NGT **Vide order dated 04.07.2019** examined the reports of Monitoring Committee dated 19.06.2019, 28.06.2019 and 02.07.2019. It directed removal of JCBs

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

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

**Salient directives in these cases are as follows:**

- i. There has to be demarcation of boundaries of all mineral leases. No mining can be allowed without demarcating the boundary.
- ii. Mining has to be as per EIA Notification, 2006; MOEF Notification dated 15.01.2016 and Sustainable Sand Mining Management Guidelines, 2016.
- iii. Compliance of Water (Prevention and Control of Pollution) Act, 1974; Air (Prevention and Control of Pollution) Act, 1981 and Regulation of Central Ground Water Authority in all Sand mining leases is mandatory.

- iv. For ensuring compliance of all these directives, district administration is fully accountable.
- v. District Magistrate and Superintendents of Police have to seize all mining equipments and vehicles in case of illegal mining.
- vi. Besides criminal proceedings, there has to be imposed exemplary penalty by District Magistrates in case of illegal mining.
- vii. A detailed restoration plan for rivers beds has to be made, based on recommendations of Expert Committee.
- viii. Assessment of ecological damage has to be ensured by Indian Council of Forestry Research and Education, Dehradun, incorporating cost of river bed material, cost of ecological restoration and net present value of the future ecosystem services foregone. Regional Officer of the CPCB would be the Nodal Officer.
- ix. Vehicles confiscated would be released only on payment of 50% of showroom value.
- x. For environmental clearance in sand mining, even for B- 2 cases where land is between 5 to 25 Hectares, there will be provision for assessment (EIA), Environmental Management Plan (EMP) and public consultation. Even in the cases of leases below 5Hectares, Form-1m would be made by State Environmental Impact Assessment Authority (SEIAA) rather than by District Environmental Impact Assessment Authority (DEIAA).
- xi. MOEF & CC will prepare guidelines for calculations of damage to mine out areas.

### **MONITORING COMMITTEE**

The Monitoring Committee under Justice Rajes Kumar was constituted on 12.02.2019. It held its meetings on 29.03.2019, 19.06,2019, 28.06.2019, 02.07.2019, 12.06.2019, 23.10.2019, 02.11.2019 and 07.02.2019.

On 29.09.2019, the Committee while reviewing remedial action suggested:

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

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

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

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

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

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

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

5. Vide order dated 07.07.2020, the Hon'ble NGT considered the report of the Oversight Committee dated 04.07.2020. The issue covered by the report dated 2.11.2019 mainly relates to illegal sand mining in district Prayagraj. The report also includes the status of compliance of directions of Hon'ble NGT relating to Solid Waste Management in O.A No. 606/2018.

### **III. STEPS TAKEN BY DISTRICT ADMINISTRATION**

The district administration Prayagraj have, vide their reports dated 03.07.2019, 06.02.2020, 16.06.2020 and 27.06.2020, **(Refer Annexures- II, III, IV & V)** mentioned the steps taken by them.

1. A nine-member interdepartmental committee has surveyed the river bed. Based on the survey report, only those areas have been identified for leasing out

which are outside the river stream. Only these areas would be allotted by them to prospective bidders through e-tender cum e-auction process.

2. The DSR for Prayagraj has been prepared as per guidelines of MoEF.

3. The enforcement figures as given by district administration are as follows:

SI No	Illegal mining cases	Illegal storage cases	FIRs	Illegal transport cases	Cases registered
<b>2018-19</b>					
1	56	06	196	194	06
<b>2019-20</b>					
2	32	04	132	537	80
<b>2020-21</b>					
3	02	09	11	87	90

4. Task Forces comprising of Sub Divisional Magistrate, Circle Officer and Assistant Road Transport Officer have been constituted in all sub-divisions to check illegal mining/ illegal transportation.

5. A police outpost has been recommended to be opened in village Baswar, P.S. Ghoorpur, which is sensitive from illegal mining point of view.

6. Weekly reports are sent by Task Forces to SSP office.

7. Illegally stored sand is confiscated and auctioned off through e-auction after taking the Court's permission.

9. CCTV cameras will be installed at all sensitive points. CCTV camera is installed at the only point where sand mining is continuing.

10. Senior Superintendent of Police has been instructed by District Magistrate to ensure regular patrolling.

11. Station House Officers have been instructed to send daily reports with photographs to UPPCB and District Magistrate.

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

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

#### **IV. MINUTES OF THE MEETING OF OVERSIGHT COMMITTEE**

**Various meetings regarding O.A. No. 670/2018 were held by Oversight Committee, NGT, UP in the office of committee and through Video-conferencing as follows:**

(A) **Vide Meeting dated 12.09.2019**, various issues and directions were discussed by the committee in compliance of Hon'ble NGT order **dated 12.02.2019 passed in O.A. No. 670/2018 in re: Atul Singh Chauhan versus MoEF&CC and others** and in Compliance of Hon'ble NGT order dated 28.08.2018 in O.A. No. 164/2018 in re: *Ashwani Kumar Dubey Vs. Union of India and others* (**Annexure-VI**).

(B) **Vide Meeting dated 23.10.2019**, various issues and directions were discussed in the committee meeting in compliance of Hon'ble NGT order **dated 12.02.2019 passed in O.A. No. 670/2018 in re: Atul Singh Chauhan versus MoEF&CC and others** (**Annexure-VII**).

(C) **Vide Meeting dated 08.01.2020**, various issues and directions were discussed in orders of the committee meeting in compliance of Hon'ble NGT order dated 28.08.2018 in O.A. No. 164/2018 in re: *Ashwani Kumar Dubey versus Union of India and others* and **order dated 12.02.2019 passed in O.A. No. 670/2018 in re: Atul Singh Chauhan versus MoEF&CC and others**(**Annexure-VIII**).

(D) **Vide Meeting dated 29.01.2020**, various issues as pointed out in the orders of Hon'ble NGT dated 21.10.2019 passed in **O.A. No. 670/2018 in re: Atul Singh Chauhan versus MoEF&CC and others** were discussed. Other officers viz., Secretary, Urban Development; Chief Env. Officer, UPPCB; EE, UPPCB, Lucknow and Dy. Secretary, UPSLSA were also present in the meeting **(Annexure- IX)**.

(E) **Vide Meeting dated 07.02.2020**, various issues and directions as mentioned in orders of the Hon'ble NGT were discussed in compliance of Hon'ble NGT order dated 28.08.2018 in O.A. No. 164/2018 in re: *Ashwani Kumar Dubey versus Union of India and others* and order dated 12.02.2019 passed in **O.A. No. 670/2018 in re: Atul Singh Chauhan versus MoEF&CC and others (Annexure- X)**.

(F) **On 02.03.2020**, the compliance of the order dated 21.10.2019 was discussed by the current Oversight Committee with Secretary, Urban Development and Member Secretary, UPPCB, Lucknow.**(Annexure- XI)**.

(G) A meeting regarding **O.A. No. 670/2018** was recently held **on 18.06.2020 (through Video-Conferencing)** by Oversight Committee, NGT, UP. This was the first detailed meeting of the current Oversight Committee in this matter. Progress of implementation of Hon'ble NGT's directions was discussed and status of the action taken by the concerned authorities in compliance of the orders was also reviewed. **(Annexure- XII)**.

#### **ENVIRONMENTAL MONITORING CELL**

An Office memo letter received from Member Secretary, U.P. Pollution Control Board, Lucknow on 09.06.2020 **(Annexure- XIII)**.

#### **V. SUMMARY OF THE COMPLIANCE STATUS OF THE DIRECTIONS GIVEN BY HON'BLE NGT IN O.A. NO. 670/ 2018**

1. Various issues and directions as mentioned in orders of the Hon'ble NGT were discussed by the committee under **Chairmanship of Hon'ble Justice (Retd.) Shri Rajes**

**Kumar**, at Circuit House, Prayagraj. The compliance status of the different issues has been reported by DM, Prayagraj and sent by Senior Mining Officer, Prayagraj on 29.06.2020. The details are enclosed in **Annexure-II, III, IV & V**.

2. The status regarding Environmental Compensation (EC) in compliance of orders of Hon'ble NGT was received vide a scanned copy of Letter no. ZoL/Tech/NGT/341/308 dated 30.06.2020 received from CPCB, Lucknow and is annexed at Annexure- **XIV**.

3. The status regarding illegal sand mining has been reported by DMs of Kanpur Dehat/Fatehpur/ Chitrakoot/ Kaushambi in this case vide Letter no. 470/M- NGT/2019 dated 01.07.2020 and is enclosed at **Annexure- XV**.

4. The present status of Sand Blocks (Yamuna River) in District Prayagraj has been reported by Senior Mining Officer, Prayagraj vide letter no. 1126/Khaniz/ 2020-21 on 31.08.2020. The details are enclosed at Annexure- **XVI**.

**Additional Information provided by Mines Department:**

**The Mines Department has given information during meetings of Current Oversight Committee regarding steps taken by them all over the State for ensuring environmental protection and curbing irregularities. Some of the steps taken by them are as follows:**

1. The Mines Department has established a Command Centre at the Directorate of Geology and Mines at Lucknow from where they operate the Integrated Mines Surveillance System for the entire State. Under the Integrated Mines Surveillance System, all the mine areas have been geo fenced. PTZ cameras at the mines have been installed. Weigh Bridges fitted with cameras have been installed at all mines and have been integrated with the Control Centre at Head Quarters. They are using Artificial Intelligence based Software and taking the help of Drones and Cloud Services for monitoring mining activity in the State. Drone Video-graphy has been done in sensitive districts- Fatehpur, Banda, Prayagraj and Saharanpur. Progress of each site is being monitored at headquarter level regularly.

2. District Administration is directly responsible for all mining activity in the District. A seven member district level task force has been set up under the chairmanship of DM vide order dated 20.03.2016. Deputy Superintendent of Police level officers of Police department are members of this task force. The mining areas are constantly monitored by this task force.
3. They have established a Vehicle Tracking System to check the misuse of Transport Pass and Overloading. They are using RFID tags to monitor the movement of vehicles. To begin with, this system has been introduced in the most sensitive districts of Hamirpur, Banda, Fatehpur, Jalaun and Jhansi. Transport of minerals even from stores is being regulated through electronic E- forms.
4. New areas have been identified based on survey conducted according to Sustainable Mining Guidelines and they are being included in the DSR. All DSRs are being prepared only on the recommendations of the District Collectors. Besides the system of installing pillars on the ground, site coordinates have to be compulsorily indicated for each mining site to ensure that mining activity is taking place at the allotted site only.
5. Mining Department has made a provision in the Rules to blacklist a person for upto 2 years if found guilty of illegal mining/illegal transportation. So far 125 persons/firms have been blacklisted in the State.
6. Mining Department has amended the Rules to allow storage of minerals only beyond 5Km radius from the riverbed. This has been done to prevent illegal mining from river bed under the alibi of storage.
7. Rule-35(2) of Uttar Pradesh Minor Mineral Regulations, 1963 provides that the mining lease holder whose mining lease area is more than 5 hectares, shall construct check-post/gate and install 4 CCTV cameras capable of recording at 360° visibility at his own expense for monitoring under the supervision of the DMs.
8. There are provisions for notifying the geo coordinates of all boundary pillars of the mining area in the UP Minor Mineral Regulations which are being followed. There is

provision for execution of mining lease deed only after demarcation under rule-17 of the Mining lease Approval Rules, 1963.

9. Instead of the printed MM-11, online royalty payment has been introduced through E- MM- 11. Security features have been introduced in E-MM 11 to check its misuse.

The Oversight Committee asked for compliance report from the State Govt. on various issues and directions which were discussed in orders of the Hon'ble NGT in **O.A. No. 670/2018**. The compliance status of the different issues is as follows:

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

order dated 28.02.2020 passed in OA No. 670/2018 to the following effect:

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

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

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

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

Let the State Government issue an appropriate Office Order/Rule to this effect in accordance with the spirit of orders of Hon'ble NGT referred to hereinabove by incorporating State Amendment.

The Committee was informed by Shri Anjani Kumar Singh, Senior Mines Officer, Prayagraj that there are 2 running leases (pattas) i.e. Ganga (working) and Yamuna (suspended from 04.06.2020). Both the mining areas have CCTV cameras. There

		<p>were 21 pattas earlier, but at present only two pattas are there, out of which one patta relating to Ganga is in running condition and the other one, which relates to Yamuna, is suspended on account of nonpayment of royalty. Tender were advertised but due to lockdown, tender process could not be completed. He further informed that till date 14 FIRs have been lodged regarding illegal sand mining. However, no penalty has been realized so far from illegal miners.</p> <p>The District Magistrate, Prayagraj should submit a detailed report within a week in regard to steps taken against illegal sand miners, vehicles confiscated, penalty imposed/realized, action taken against accountable officers, surprise inspections made so far by District Magistrate and Senior Superintendent of Police and daily reports submitted by the district administration to the Head Office at Lucknow.</p> <p>The Committee directed to check illegal mining by all means.</p> <p>The State Mines Department was directed to get an inspection made against illegal sand mining in the neighboring Districts of Kanpur Dehat, Fatehpur, Chitrakoot and Kaushambi and submit a detailed report.</p> <p>It shall be ensured that no mining is permitted to be done in violation of the provisions of MMDR Act and rules framed there under and suitable action is taken against wrong-doers.</p>
2	<b>Environmental Compensation</b>	<p>CPCB was directed to provide assistance in calculating the EC in compliance with the directions of Hon'ble NGT.</p> <p>In this regard, it is submitted that CPCB in Compliance of Hon'ble NGT order dated 05.04.2019 in OA No. 360/2015 (and 13 other clubbed cases related to sand mining from riverbeds in different states), constituted a committee <i>to prepare a scale of compensation, after including the components mentioned in the orders, which can then be adopted in whole of country. The nodal agency for compliance and coordination is CPCB.</i> (Refer Annexure-XIV)</p> <p><b>Under consideration of Hon'ble NGT for Approval.</b></p>
3	<b>Status of Action Plan regarding Illegal sand</b>	<ul style="list-style-type: none"> <li>• A nine-member interdepartmental committee has surveyed the river bed. Based on the survey report, only those areas have been identified for leasing out which are outside the river stream. Only these areas would be allotted by them to</li> </ul>

**mining**

prospective bidders through e-tender cum e-auction process.

- The DSR for Prayagraj has been prepared as per guidelines of MoEF.
- The enforcement figures as given by district administration are as follows:

Sl No	Illegal mining cases	Illegal storage cases	FIRs	Illegal transport cases	Cases registered
<b>2018-19</b>					
1	56	06	196	194	06
<b>2019-20</b>					
2	32	04	132	537	80
<b>2020-21 (till June, 2020)</b>					
3	02	09	11	87	90

- Task Forces comprising of Sub Divisional Magistrate, Circle Officer and Assistant Road Transport Officer have been constituted in all sub-divisions to check illegal mining/ illegal transportation.
- A police outpost has been recommended to be opened in village Baswar, P.S. Ghoorpur, which is sensitive from illegal mining point of view.
- Weekly reports are sent by Task Forces to SSP office.
- Illegally stored sand is confiscated and auctioned off through e-auction after taking the Court's permission.
- Senior Superintendent of Police has been instructed by District Magistrate to ensure regular patrolling.
- Station House Officers have been instructed to send daily reports with photographs to UPPCB and District Magistrate.
- 19 leases out of 21 leases have been cancelled because of non-deposit of dues. Even the only lease in Yamuna river, which was operative, has been suspended for non-deposit.

		<ul style="list-style-type: none"> <li>Efforts for settlement of lease are going on despite the delay due to COVID-19.</li> </ul>																											
4	<b>Best practices (setting up of control rooms)</b>	The Committee has been informed by Chief Mining Officer that Command Centre has been established at Lucknow.																											
5	<b>Status of installation of CCTV cameras at every dumping site</b>	CCTV cameras will be installed at all sensitive points. CCTV camera is installed at the only point where sand mining is continuing.																											
6	<b>Installation of GPS</b>	The Chief Mining Officer informed that process for installing GPS in vehicles is in progress.																											
7	<b>License from UPPCB and CGWA (83 Silica Sand Mining Plants)</b>	Shri Ashish Tiwari, Member Secretary, UPPCB informed that out of 83 Silica Sand Washing Plants which were identified, only 04 have permission from UPPCB. Rest plants were sealed for want of permission on the basis of inspection done by a committee on 16.06.2020 and EC was imposed. District Magistrate has issued recovery certificate for realization of the same. The Committee directed that Silica Sand Washing Plants be made viable after obtaining environmental clearance from UPPCB.																											
8	<b>Status of Sand Blocks (Yamuna River) in District Prayagraj</b>	<p><b>Status of Sand Blocks (Yamuna River) in District Prayagraj</b></p> <table border="1"> <thead> <tr> <th>S.No</th> <th>Details</th> <th>Number of Blocks</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>Total No. of Sand Blocks in Yamuna River</td> <td>21</td> </tr> <tr> <td>2</td> <td>Water Logged Area ( Mining Lease cannot be granted by the directions of Hon'ble NGT and Hon'ble Supreme Court Orders)</td> <td>11</td> </tr> <tr> <td>3</td> <td>Letter of Intent issued (Lease will be granted after issuance of Environmental Clearance from SEIAA)</td> <td>04</td> </tr> <tr> <td>4</td> <td>In process of Letter of Intent</td> <td>01</td> </tr> <tr> <td>5</td> <td>Number of Advertised Sand Area</td> <td>02</td> </tr> <tr> <td>6</td> <td>Pending in SEIAA (For Environmental Clearance)</td> <td>01</td> </tr> <tr> <td>7</td> <td>No bid found in Advertisement</td> <td>01</td> </tr> <tr> <td>8</td> <td>Number of area affected by Kumbh Mela</td> <td>01</td> </tr> </tbody> </table>	S.No	Details	Number of Blocks	1	Total No. of Sand Blocks in Yamuna River	21	2	Water Logged Area ( Mining Lease cannot be granted by the directions of Hon'ble NGT and Hon'ble Supreme Court Orders)	11	3	Letter of Intent issued (Lease will be granted after issuance of Environmental Clearance from SEIAA)	04	4	In process of Letter of Intent	01	5	Number of Advertised Sand Area	02	6	Pending in SEIAA (For Environmental Clearance)	01	7	No bid found in Advertisement	01	8	Number of area affected by Kumbh Mela	01
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9	<b>Status of 21 common area</b>	1. <b>Number of Submerged Sand fields- 11</b> (Plot No.- 1, 2, 10, 11, 12, 13, 14, 15, 18, 19, 20) In pursuance of the Guidelines																											

	<p><b>of Yamuna River located in Prayagraj Distt</b></p>	<p>of Hon'ble Supreme Court and Hon'ble NGT, the submerged areas cannot be sanctioned for mining abstraction.. Regarding the separation of the above submerged areas from the DSR, a letter dated 04.08.2020 has been sent to the government.</p> <p>2. <b>Number of letters of intent issued - 4</b> (Plot No.- 3, 5, 7, 16,) For the sand areas, execution of mining leases will be done after issuing environmental clearance certificate from the State Level Environmental Impact Assessment Authority.</p> <p>3. <b>Issue of letters of intent under process- 1</b> (Plot No.- 04)</p> <p>4. <b>Number of Sand areas advertised- 2</b> (Plot No.- 8, 21) The above areas have been advertised by the office letter dated 20.08.2020. The e-auction date for the said areas is fixed for 16.10.2020 and 17.10.2020.</p> <p>5. <b>Number of Pending areas in SEIAA FOR Environmental Clearance- 01</b> (Plot No- 09) Environmental Clearance Certificate is not obtained from the SEIAA for the said area.</p> <p>6. <b>Number of areas in which no tender is received in the advertised area for acceptance - 01</b> (Plot No.- 06) The said area is being arranged as per dated 23.05.2020 to be given on mining permit for a short period.</p> <p><b>Number of restricted areas due to MaghMela- 01</b> (Plot No.- 17)</p>																										
<p><b>10</b></p>	<p><b>Details of Enforcement actions taken in financial year 2020-21 (near Yamuna River)</b></p>	<p><b><u>Details of Enforcement action taken in financial year 2020-21</u></b></p> <table border="1" data-bbox="515 1453 1423 1765"> <thead> <tr> <th rowspan="2">S. No.</th> <th rowspan="2">Month</th> <th colspan="2">Number of Vehicles Caught</th> </tr> <tr> <th>In Month</th> <th>Till Month</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>April, 2020</td> <td>13</td> <td>13</td> </tr> <tr> <td>2</td> <td>May, 2020</td> <td>51</td> <td>64</td> </tr> <tr> <td>3</td> <td>June, 2020</td> <td>34</td> <td>98</td> </tr> <tr> <td>4</td> <td>July, 2020</td> <td>13</td> <td>111</td> </tr> <tr> <td>5</td> <td>August, 2020</td> <td>88</td> <td>199</td> </tr> </tbody> </table>	S. No.	Month	Number of Vehicles Caught		In Month	Till Month	1	April, 2020	13	13	2	May, 2020	51	64	3	June, 2020	34	98	4	July, 2020	13	111	5	August, 2020	88	199
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<p><b>11</b></p>	<p><b>Other items</b></p>	<p>Department of Irrigation was directed to submit a report regarding illegal mining of minor minerals in irrigation channels.</p>																										

**VI. OBSERVATIONS OF THE OVERSIGHT COMMITTEE**

The Committee noticed from the submitted reports by the District Magistrate and Senior Mines Officer, Prayagraj that presently, only 01 sand mining lease is operational for the entire district. Initially 54 Pattas were carved, out from which 21 Pattas were settled. 19 of them were cancelled due to non-deposit of dues or non-registration. Out of the 02 operational Pattas, 01 was suspended, leaving only 01 Patta operational. It is quite surprising that these Pattas were not settled throughout the year. Even this year, now due to rainy season, they would not be operational till October.

It is worth pondering as to how the demand of the entire district would be met by just one Patta. This lends credence to the observation of the Justice Rajes Kumar Committee dated 08.01.2020 that illegal mining may be going on by unauthorised persons without holding legal Patta and also from river stream. Alternatively the possibility that illegal mining may be taking place in neighbouring districts from where sand may be coming to Prayagraj, may not be ruled out.

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

The Senior Mines Officer, Prayagraj submitted the report regarding the present status of Sand Blocks (Yamuna River) in District Prayagraj. There are total 21 Sand Blocks in Yamuna River. The sand blocks in Water Logged Areas are 11, Letter of Intent has been issued for 4 (Lease will be granted after issuance of Environmental Clearance from SEIAA); only one LOI is under process. The number of Advertised Sand Areas is 02 near Yamuna River.

An important point needs to be brought to the notice of Hon'ble NGT. During the course of the above proceedings before the Oversight Committee, the petitioner Shri Atul Singh Chauhan had sent a letter to the committee along with annexures and photographs mentioning that illegal mining were going on in Prayagraj. The Committee had asked for a report from DM Prayagraj on August 21, 2020. The Committee again sent reminder to DM Prayagraj requesting him that the report be submitted to the Committee before hearing and in the event of not meeting the timelines to be furnished to Hon'ble NGT directly. So far the report has not been received from DM Prayagraj. Copies of the letter of the complaint of Shri Atul Singh Chauhan and letter to DM, Prayagraj are enclosed as **Annexure- XVII**.

### **RECOMMENDATIONS:**

#### **(A) Specific to Prayagraj:**

1. The enforcement efforts in Prayagraj have come down drastically this year. There is an urgent need to augment the monitoring of illegal sand mining in district Prayagraj. Accountability needs to be fixed for the laxity. Constant monitoring of illegal sand mining must be done with drones, aerial surveys, ground surveys through dedicated task force at district level. The State Government can also organise night-surveillance of mining activities through night-vision drones at district level.
2. So far as confiscation of vehicles is concerned, under the provisions of the Mines and Minerals (Development and Regulation) Act, 1957, the competent authority is the court of Chief Judicial Magistrate for lodging complaints. In the complaints, orders of the Hon'ble NGT are referred to. Confiscated vehicles are released by the Court of Chief Judicial Magistrate concerned after obtaining an affidavit and trial continues in due course. This is a practice not only in Prayagraj, but in other districts too.
3. The State Government should amend the rules and the confiscating officer needs to be designated in consonance with amendments made in Forest Act/Rules and the

amount so collected to be remitted to State PCB/PCCs for being utilised for restoration of environment.

4. The State Government must address the issue of monitoring gaps in illegal sand mining with the following recommendations to remedy the situation:
  - Installation of CCTV Cameras should be at mining points to verify the amount of sand extracted.
  - To inspect the mining operations, there is need for regular patrolling by the police.
  - Daily Mining reports should be sent to the District Magistrate.
  - FIRs should be lodged in case of any illegal mining.
  - The DM and the SP should carry out surprise checks at regular intervals.
5. In order to stop illegal sand mining, it shall be the duty of the concerned authority to do area survey at regular intervals.
6. It was informed by Senior Mining Officer, Prayagraj that there were 21 pattas earlier, but at present only one patta is there and the process of settlement of remaining Pattas could not be completed for more than one year for one reason or the other. This is a serious anomaly in Prayagraj which raises suspicions and needs further probing by the concerned authorities. Further, he informed that till date only 14 FIRs have been lodged for illegal sand mining. No penalty has so far been realized from any of the illegal miners. This calls for a strict, impartial, transparent and deterrent environmental compensation regime.
7. State of U.P. needs to evolve a mechanism for the recovering compensation for the damage to the environment from illegal mining.

#### **(B) General Recommendations**

1. Environmental Clearance takes into account all the environmental concerns. Mining plan is the instrument through which it is enforced. However, for mining activity going on illegally, there is neither any EC nor any mining plan. Illegal

mining invariably leads to reckless damage to environment. Hence, utmost efforts are required to check illegal mining through surveillance, patrolling and enforcement.

2. In District Prayagraj, there is only one operative lease out of 51 leases and that too for more than one year. Areas where only a few leases are operative and the rest are not settled/surrendered need to be carefully watched. There could be a chance of cartel formation and mining of sand illegally from other vacant mining plots under the garb of the operative lease.
3. DSRs need to be prepared very carefully. They should be based on Physical surveys and replenishment studies. Since sand deposition is a dynamic issue, they need to be regularly updated. While awarding lease deeds, important environmental parameters like deposition and replenishment of sand, areas of erosion, distance from infrastructural structures need be considered.
4. In the absence of replenishment studies and physical inspection before award, many times sites are awarded where there is no sand. The lease holder indulges in mining adjoining areas, some of which may be environmentally not very suitable. Before award of LOI, physical inspection should be mandatory.
5. Electronic surveillance through UAVs/Remote Sensing is a good surveillance option especially in areas where sand mafias are active. Night vision drones must be used for checking mining activity at night. Sensitive spots must be identified and police presence- both static presence and dynamic patrolling needs to be beefed up there. DMs / SSPs must be made directly responsible for checking illegal mining.
6. Storage Godowns should be at least 5 kms away from the river bank. Otherwise illegal mining can be carried on under the garb of storage by the leaseholder himself.
7. Geo-fencing of sites, their physical demarcation, allotment of geo-coordinates to all the pillars and their constant physical inspection and electronic surveillance is a

must to ensure that the mining activity is as per the approved mining plan and no illegal mining, detrimental to environment, is going on.

8. There has to be a mechanism to ensure that the actual mining activity conforms to the approved Mining Plan and the approved Environment Management Plan (EMP). Besides the statutory system of Departmental inspections, there has to be a system of annual mandatory Environmental Audit by experts. Environment Department can empanel some experts/expert institutions with standard TORs and Remuneration terms which could be utilized by the Mines Department on a regular basis. This way the District Administrations can access good technical experts with standard conditions in a transparent way without bothering about tedious time consuming tender formalities.
9. There has to be an effective mechanism for restoration of environment in case of its degradation due to mining. A portion of the royalty could be reserved for it as Environment Restoration Fund. The Environment Department can empanel some reputed institutions with standard terms for preparing environmental restoration plans which could be used directly by the Mining Department without the arduous formalities. These plans could be funded by the Environment Fund as mentioned above. Already a number of mineral rich districts like Sonbhadra have a sizeable District Mineral Fund at the disposal of the District Collector. However since there is no mechanism available at the level of District Collector for preparation of Environment Restoration Plans, this fund is normally used for works other than environmental restoration.
10. The mining activity should strictly comply with Provisions of EIA Notification 2006, Sustainable Sand Mining Guidelines, 2016; The Environmental Protection Act, 1986; The Water (Prevention and Control of Pollution) Act, 1974; The Air (Prevention and Control of Pollution) Act, 1981 and Regulations of Central Ground Water Authority.

11. As per Hon'ble NGT orders it was directed that Chief Secretary must ensure compliance of Sand Mining Guidelines. The Oversight Committee recommends periodic review at CS level which will automatically improve enforcement effort and sort out a number of co-ordinational issues.

The Member Secretary, UPPCB is directed to send this report to the Registrar General, National Green Tribunal, Principal Bench, New Delhi for placing the same before the Hon'ble Tribunal with a copy to the Chief Secretary, Government of UP for necessary action. The report be uploaded on the website of the committee.

05-09-2020

05-09-2020

**X** Anup Chandra Pandey

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Dr Anup Chandra Pandey  
Member, Oversight Committee  
Signed by: ANUP CHANDRA PANDEY

**X** SVS Rathore

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Justice SVS Rathore  
Chairman, Oversight Committee  
Signed by: SURENDRA VIKRAM SINGH RATHORE

September 05, 2020

**Annexures:** As above

Please visit our website: [oscnegt.upsdc.gov.in](http://oscnegt.upsdc.gov.in) for more information.

ANNEXURE-I

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

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

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

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

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

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

*"56. Similar criteria may have to be taken into account for arriving at an approximate scale of compensation. The compensation is to include not only the full value of the illegally mined material but also cost of restoration of environment as well as cost of*

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

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

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

## Annexure- II

प्रेषक,

ज्येष्ठ खान अधिकारी,

प्रयागराज।

सेवा में,

मा० अध्यक्ष

ओवर साईट कमेटी

मा० राष्ट्रीय हरित अधिकरण।

पत्रांक: 562 / खनिज / 2020-21

दिनांक 16/06/2020

विषय: मा० राष्ट्रीय हरित अधिकरण, नई दिल्ली में योजित ओ०ए० नम्बर-670/2018 में गठित ओवर साईट समिति की बैठक दिनांक 07.02.2020 में दिये गये निर्देशों के अनुपालन के सम्बन्ध में।

महोदय,

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

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

भवदीय

(अंजनी कुमार सिंह)

ज्येष्ठ खान अधिकारी

प्रयागराज।

पत्रांक: / खनिज / 2020-21 तददिनांक।

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

1. निदेशक, मृत्त्व एवं खनिकर्म निदेशालय, उ०प्र० लखनऊ।
2. जिलाधिकारी, प्रयागराज।

(अंजनी कुमार सिंह)

ज्येष्ठ खान अधिकारी

प्रयागराज।

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,  
NEW DELHI

REPORT

(In pursuance of the order dated 1.02.2019 of the Hon'ble NGT)

IN RE:

O.A. No. 630 of 2018 (L.A. No.22 of 2019)

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

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

15<sup>th</sup> March, 2019

20<sup>th</sup> April, 2019

11<sup>th</sup> June, 2019

3<sup>rd</sup> July, 2019

12<sup>th</sup> September, 2019

23<sup>rd</sup> October, 2019

08<sup>th</sup> January, 2020

07<sup>th</sup> February, 2020

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

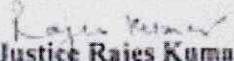
Undoubtedly, strict action has been recorded in the minutes of the meetings. The Mining authorities and the Police department, which were initially not working effectively, have started taking steps to check the illegal mining. No doubt, these authorities are able to check the illegal mining more than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



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

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

Date: 07.02.2020

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

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

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

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

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

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

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

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

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

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

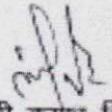
1. दिनांक 12.01.2020 को तहसील-करछना के ग्राम-सीहा गंगा नदी से अवैध खनन/परिवहन के उपरान्त पाये गये अवैध भण्डारण के विरुद्ध थाना-करछना में प्राथमिकी दर्ज करायी गयी थी।
2. दिनांक 16.02.2020 को तहसील-करछना के ग्राम-मझौका एवं मोहबलगंज, यमुना नदी से अवैध खनन/परिवहन के उपरान्त पाये गये अवैध भण्डारण के विरुद्ध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

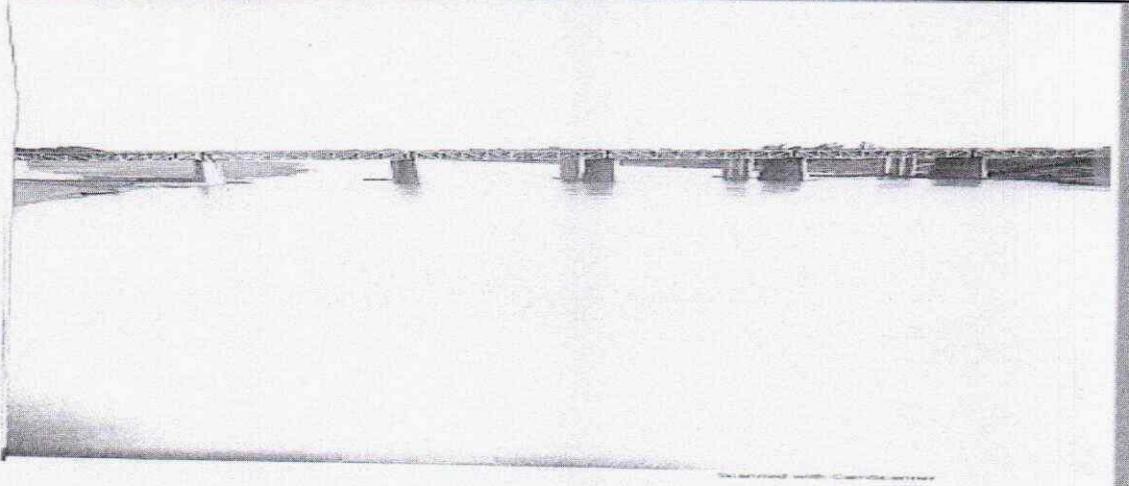
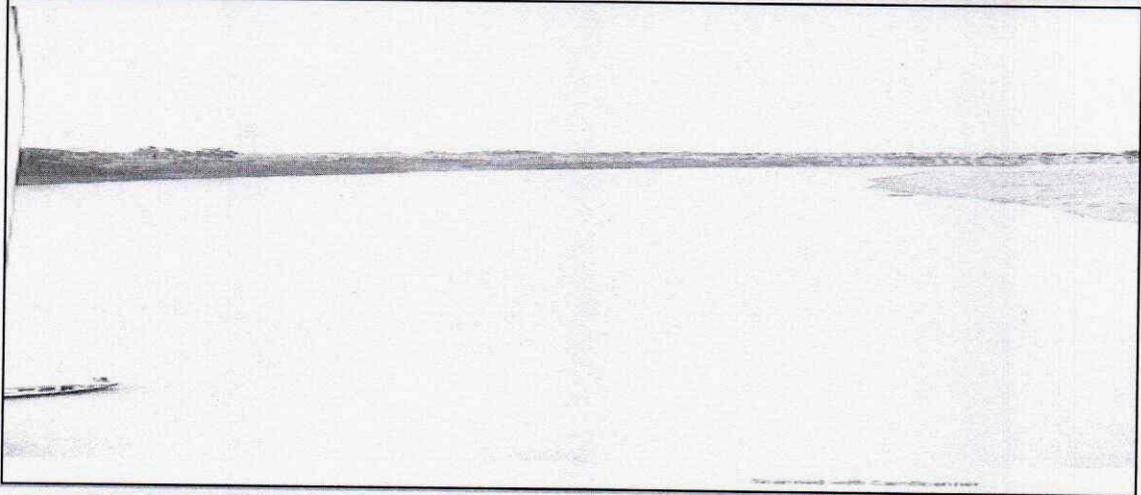
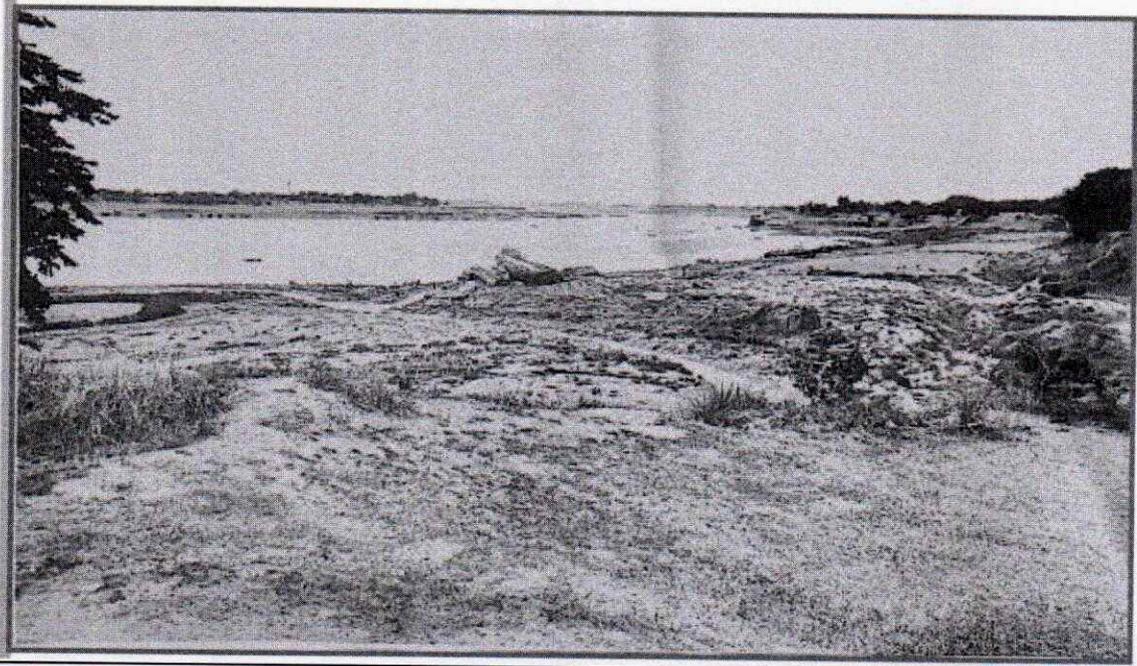
4. दिनांक 07.03.2020 को तहसील-सदर थाना क्षेत्र सिविल लाइन्स अन्तर्गत अवैध खनन/परिवहन के उपरान्त अवैध भण्डारण पाये जाने पर प्राथमिकी दर्ज करायी गयी थी।
5. दिनांक 17.04.2020 को तहसील-हण्डिया के ग्राम-कसबिखत उर्फ लक्षानुह में गंगा नदी से अवैध खनन/परिवहन के उपरान्त पाये गये अवैध भण्डारण के विरुद्ध थाना-हण्डिया में प्राथमिकी दर्ज करायी गयी थी।
6. दिनांक 25.04.2020 को तहसील-करछना के ग्राम-फलपुर व ग्राम-अभितिया में यमुना नदी से अवैध खनन/परिवहन के उपरान्त पाये गये अवैध भण्डारण के विरुद्ध थाना-धूरपुर में प्राथमिकी दर्ज करायी गयी थी।
7. दिनांक 25.04.2020 को तहसील-करछना के ग्राम-बसवार में यमुना नदी से अवैध खनन/परिवहन के उपरान्त पाये गये अवैध भण्डारण के विरुद्ध थाना-धूरपुर में प्राथमिकी दर्ज करायी गयी थी।
8. दिनांक 03.05.2020 को तहसील-बारा के ग्राम-नझियारी आम्द में यमुना नदी से अवैध खनन/परिवहन के विरुद्ध थाना-तालापुर में प्राथमिकी दर्ज करायी गयी थी।
9. दिनांक 11.05.2020 को तहसील-बारा के ग्राम-सेमरी व नोडिहा में यमुना नदी से अवैध खनन/परिवहन के विरुद्ध थाना-तालापुर में प्राथमिकी दर्ज करायी गयी थी।
10. दिनांक 27.05.2020 को तहसील-करछना के ग्राम-डीहा गंगा नदी से अवैध खनन/परिवहन के उपरान्त पाये गये अवैध भण्डारण के विरुद्ध थाना-करछना में प्राथमिकी दर्ज करायी गयी थी।
11. दिनांक 01.06.2020 को तहसील-करछना के ग्राम-बेनीपुर नदी से अवैध खनन/परिवहन के उपरान्त पाये गये अवैध भण्डारण के विरुद्ध थाना-कौशियारा में प्राथमिकी दर्ज करायी गयी थी।
12. दिनांक 04.06.2020 को तहसील-फूलपुर अन्तर्गत ग्राम-लीलापुर कला व लीलापुर खुर्द में गंगा नदी से अवैध खनन/परिवहन के उपरान्त पाये गये अवैध भण्डारण के विरुद्ध थाना-सरायइनाफत में प्राथमिकी दर्ज करायी गयी थी।
13. दिनांक 13.06.2020 को तहसील-करछना अन्तर्गत यू0पी0एस0आई0डी0सी0 में अवैध खनन/परिवहन के उपरान्त पाये गये अवैध भण्डारण के विरुद्ध थाना-औद्योगिक क्षेत्र में प्राथमिकी दर्ज करायी गयी थी।

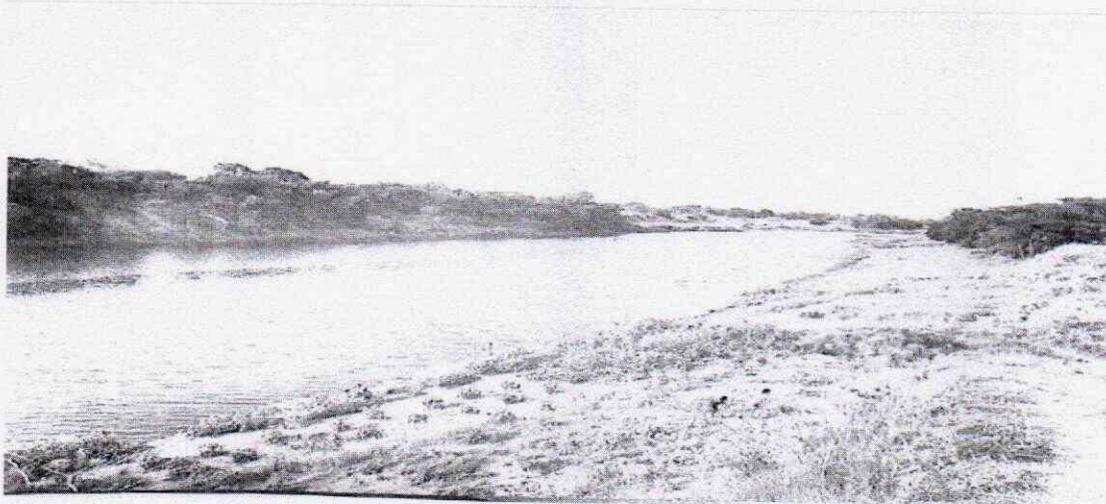
प्रस्तर-3-जनपद प्रयागराज के विभिन्न नदियाँ (यमुना, गंगा, बेतन, टोन्स) में अवैध खनन कर ओवरलोड अवैध परिवहन के सम्बन्ध में।

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

उपरोक्तानुसार प्रश्नगत पिटिशन निरस्त किये जाने योग्य है।

  
 (अंजनी कुमार सिंह)  
 ज्येष्ठ खान अधिकारी  
 प्रयागराज।





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प्रेषक,

जिलाधिकारी  
प्रयागराज।

सेवा में,

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

पत्रांक: 1883/खनिज/2019-20

दिनांक 6/2/2020

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

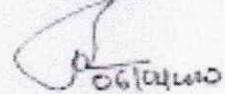
महोदय,

सूच्यता उपयुक्त समिति की बैठक दिनांक 08.01.2020 का सन्दर्भ ग्रहण करने का कष्ट कर, बैठक का कार्यवृत्त दिनांक 18.01.2020 की क्षेत्रीय कार्यालय, उ0प्र0, प्रदूषण नियंत्रण बोर्ड, प्रयागराज द्वारा निर्गत किया गया है। उक्त कार्यवृत्त के सम्बन्ध में निम्नवत् अवगत कराया है।

1. निदेशक, भूतत्व एवं खनिकर्म निदेशालय, उ0प्र0, लखनऊ के पत्र दिनांक 24.06.2019 द्वारा जनपद प्रयागराज में बालू के स्वीकृत खनन पट्टों के निरस्तीकरण की प्रणशा में खनन एवं परिवहन प्रतिबन्धित किया गया है।
2. निदेशक, भूतत्व एवं खनिकर्म निदेशालय, उ0प्र0, लखनऊ के पत्र दिनांक 14.08.2019 के क्रम में कार्यालय के पत्र संख्या-1058/ई-टेम्प्लर बालू/खनन/2019-20 दिनांक 24.09.2019 द्वारा 09 सदस्यीय प्राविधिक समिति का गठन कर साधारण बालू की उपलब्धता एवं खनन योग्य मात्रा का आकलन करने के निर्देश दिये गये। समिति के सदस्यों द्वारा दिनांक 26.09.2019 को अवगत कराया गया कि बाढ़ आने के फलस्वरूप क्षेत्र जलमग्न होने के कारण वर्तमान में सत्यापन किया जाना सम्भव नहीं है। इसके उपरान्त मानभूम सत्र की समाप्ति पर पुनः प्राविधिक समिति को जाँच कर आख्या उपलब्ध कराने के निर्देश दिये गये। प्राविधिक समिति द्वारा पुनः दिनांक 01-11-2019 को अवगत कराया है कि बाढ़ आने के फलस्वरूप क्षेत्र वर्तमान में जलमग्न है, जिसके कारण सत्यापन किया जाना सम्भव नहीं है। इस संबंध में अवगत कराया है कि वर्ष 2019 में भीषण बाढ़ आने के कारण क्षेत्र जलमग्न रहे हैं। इसके उपरान्त प्राविधिक समिति द्वारा अपनी जाँच आख्या दिनांक 06-01-2020 उपलब्ध करायी गयी, जिसके क्रम में नदी की जल धारा से बाहर (Exposed Area) में उपलब्ध बालू क्षेत्रों को ई-निविदा सह ई-नीलामी प्रणाली के माध्यम से परिहार पर दिखे जाने हेतु कार्यालय पत्र दिनांक 23.01.2020 द्वारा विज्ञापित किया गया। इस प्रकार उक्त कार्यवाही कोई बिलम्ब नहीं किया गया है।
3. मा0 राष्ट्रीय हरित अधिकरण द्वारा ओ0ए0 नं0-670/2018 में पारित आदेश दिनांक 04.07.2019 के बिन्दु संख्या-14 में निर्देशित है कि "The committees may function strictly within the scope of task assigned to them under the orders of this Tribunal." उक्त आदेश का उल्लेख मा0 राष्ट्रीय हरित अधिकरण के पारित आदेश दिनांक 21.10.2019 के बिन्दु संख्या-5(14) में भी किया गया है। इसके क्रम में ओवरसाईट कमेटी की बैठक दिनांक 08 जनवरी, 2020 में मेरे प्रतिनिधि के रूप में अपर जिलाधिकारी (प्रशासन) द्वारा यह अवगत भी कराया गया कि ससमय बालू खनन

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

भवदीय,



(मानु चन्द्र गोस्वामी)

जिलाधिकारी, प्रयागराज।



ओ०ए० नं०-670 / 2018

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

के मामले में

मा० राष्ट्रीय हरित अधिकरण (एन०जी०टी०), नई दिल्ली

द्वारा गठित

अनुश्रवण समिति

के

अध्यक्ष मा० न्यायमूर्ति श्री राजेश कुमार (से०नि०)

की अध्यक्षता में

दिनांक 11.06.2019 को

सर्किट हाउस, प्रयागराज

में सम्पन्न बैठक के कार्यवृत्त में दिये गये निर्देशों का

अनुपालन आख्या

दिनांक 03.07.2019

10/10 नं०-670/2019 अनुसंधान विभाग के अध्यक्ष वरिष्ठ अधिकारी, एन एच जलवायु परिवर्तन मंत्रालय, भारत सरकार के अध्यक्ष के मामले में मध्य राष्ट्रीय उदित अधिकारी (एनपीडीए), नई दिल्ली द्वारा गठित अनुसंधान समिति के अध्यक्ष मा० न्यायनूरी श्री राजेश कुमार (से०नि०) की अध्यक्षता में दिनांक 15.08.2019 को सफाई हाउस, प्रयागराज में सम्पन्न बैठक के कार्यवृत्त में दिये गये निर्देशों का अनुपालन आठवां निम्नवत् है-

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

अनुपालन आठवां-उपरोक्त स्थानों पर सम्बन्धित अधिकारियों के द्वारा पर्याप्त दूरवर्ती वाले सीसीटीवी कैमरे लगाये जाने का इरादा पर्याप्त रूप से स्पष्ट है। सीसीटीवी कैमरे लगाने जाने का इरादा पर्याप्त रूप से स्पष्ट है। दिनांक 15.08.2019 एन अनुसंधान नं० 10/10/2019 द्वारा आदेश जारी किया है। प्रत्येक अधिकारी को अपने-अपने सीसीटीवी कैमरे लगाने का निर्देशित किया है।

2. निर्देश-Regular patrolling of police squad be made on daily basis. Police party not only visit but also take photographs of each day particularly for the period between 5.00 Am to 6.00 Pm.

अनुपालन आठवां-पुलिस दलों को नियमित पैट्रोलिंग करने के निर्देश पुलिस विभाग को दे दिए गये हैं।

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

अनुपालन आठवां-निर्दिष्ट रूप से जर्जियन कायदा का विवादी हेतु पुलिस उपनिरीक्षक, क्षेत्रीय अधिकारी एवं सचिवों को निर्देश दे दिए गये हैं। निर्देशों की प्रामाणिक प्रतिलिपि संलग्नक-1 है। समिति की बैठक दिनांक 15.08.2019 के अनुपालन में दिनांक 15.08.2019 से दिनांक 08.09.2019 तक पत्रों का आदान-प्रदान करने के अलावा अन्य प्रयोगों के लिए भी निर्देश जारी किए गए हैं। दिनांक 15.08.2019 से दिनांक 17.08.2019 तक उचित स्थानों के 08 प्रकरणों में तथा उचित परिष्करण के 34 प्रकरणों में प्रत्येक स्थानों पर निर्देश (एनपीडीए/2019) जारी किया गया है। दिनांक 15.08.2019 से दिनांक 02.09.2019 तक उचित स्थानों के 14 प्रकरणों में 14 एनपीडीए/2019 तथा उचित परिष्करण के 29 प्रकरणों में 29 एनपीडीए/2019 जारी किए गए हैं। दिनांक 15.08.2019 से दिनांक 10.09.2019 तक उचित स्थानों के 14 प्रकरणों में 14 एनपीडीए/2019 जारी किए गए हैं। उचित स्थानों पर निर्देश जारी किए गए हैं। दिनांक 10.09.2019 द्वारा अपनी विस्तृत अद्यतन प्रेषित करिसिटी उचित अनुसंधान विभाग द्वारा क्षेत्रीय कार्यालय प्रयागराज एवं प्रयागराज के क्षेत्रों को दे दिए गए हैं। उचित की प्रती पत्र के साथ संलग्न है। (संलग्नक-2)

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

अनुपालन आठवां-उपरोक्त निर्देशों के अन्तर्गत निर्देशित है। एन अनुसंधान नं० 10/10/2019 के अन्तर्गत निर्देशित है। दिनांक 15.08.2019 से दिनांक 08.09.2019 तक पत्रों का आदान-प्रदान करने के अलावा अन्य प्रयोगों के लिए भी निर्देश जारी किए गए हैं। दिनांक 15.08.2019 से दिनांक 17.08.2019 तक उचित स्थानों के 08 प्रकरणों में तथा उचित परिष्करण के 34 प्रकरणों में प्रत्येक स्थानों पर निर्देश (एनपीडीए/2019) जारी किया गया है। दिनांक 15.08.2019 से दिनांक 02.09.2019 तक उचित स्थानों के 14 प्रकरणों में 14 एनपीडीए/2019 तथा उचित परिष्करण के 29 प्रकरणों में 29 एनपीडीए/2019 जारी किए गए हैं। दिनांक 15.08.2019 से दिनांक 10.09.2019 तक उचित स्थानों के 14 प्रकरणों में 14 एनपीडीए/2019 जारी किए गए हैं। उचित स्थानों पर निर्देश जारी किए गए हैं। दिनांक 10.09.2019 द्वारा अपनी विस्तृत अद्यतन प्रेषित करिसिटी उचित अनुसंधान विभाग द्वारा क्षेत्रीय कार्यालय प्रयागराज एवं प्रयागराज के क्षेत्रों को दे दिए गए हैं। उचित की प्रती पत्र के साथ संलग्न है। (संलग्नक-2)

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

अनुपालन आख्या-अधैय खनन/परिवहन तथा निश्चित मात्रा से अधिक मात्रा में परिवहन करने परकड़े मय वाहनों को पकड़कर जप्त किया जा रहा है। ऐसे प्रकारों में सम्बन्धित बानों में प्रथम सूचना रिपोर्ट दर्ज करायी जा रही है। ज्येष्ठ खान अधिकारी द्वारा मय न्यायालय को प्रेषित ज्ञापना में मय राष्ट्रीय उचित अधिकारण, नई दिल्ली द्वारा पारित आदेश का उल्लेख किया जा रहा है (संलग्नक-3)। उल्लेखित ज्ञापना खान अधिकारी ने रजिस्ट्री की बैठक दिनांक 15.03.2019 के अनुपालन में दिनांक 15.03.2019 से दिनांक 09.06.2019 तक मगुना नदी से साधारण मालु के अधैय खनन व परिवहन के विरुद्ध की गई मयमागी से सम्बन्धित रिपोर्ट प्रस्तुत की है जिसके अनुसार दिनांक 15.03.2019 से दिनांक 17.05.2019 तक अधैय खनन के 08 प्रकारों में तथा अधैय परिवहन के 36 प्रकारों में प्रथम सूचना रिपोर्ट (एफ0आर्0आर) दर्ज कराई गई है तथा दिनांक 18.05.2019 से दिनांक 09.06.2019 तक अधैय खनन के 19 प्रकारों तथा अधैय परिवहन के 29 प्रकारों कुल 47 प्रकारों में एफ0आर्0आर दर्ज कराई गई है। ज्येष्ठ खान अधिकारी, प्रयागराज ने अपने पत्र संख्या 196/खनिज/2019 दिनांक 10.06.2019 द्वारा अधैय विस्तृत आख्या क्षेत्रीय अधिकारी खण्ड प्रमुख नियंत्रण बोर्ड क्षेत्रीय मयमालय प्रयागराज को प्रेषित की है। सतत खनन/परिवहन में बलित अभियुक्तों के विरुद्ध गैररटर एक्ट के अन्तर्गत कार्रवाई की गई है तथा मयमालय में भी अवरोध का साहज होने पर अभियुक्तों के विरुद्ध गैररटर एक्ट के अन्तर्गत भी कार्रवाई की जायेगी। गैररटर एक्ट के अन्तर्गत की गई कार्रवाई का विवरण संलग्न है (संलग्नक-4) एवं खनिज पर्वत दल द्वारा दिनांक 10.06.2019 से दिनांक 30.06.2019 के मय अधैय परिवहन 17 प्रकारों एफ0आर्0आर दर्ज करायी गयी है (संलग्नक-5)।

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

अनुपालन आख्या- उच्च अधिकारियों द्वारा औसत जाँच की जा रही है। तहसील-बार में मगुना नदी के किनारे स्थित ग्रामों का आकस्मिक निरीक्षण किया गया। अधैय खनन व परिवहन को मय रूप पर र्त जाने हेतु निम्नानुसार निर्देश दिये गये हैं:-

1. मगुना नदी की घास में मालु का अधैय खनन व परिवहन किया जाता हुआ पाये जाने पर सम्बन्धित उपजिलाधिकारी, पुलिस क्षेत्राधिकारी, जिला खान अधिकारी एवं सम्बन्धित मानवध्वज/प्रभारी निरीक्षक जातिगत रूप से जिन्येवर होंगे। उपरोक्त सभी अधिकारी द्वारा अधैय खनन व परिवहन को रोकने हेतु आगरा में सामंजस्य स्थापित करते हुए प्रतिदिन अपने-अपने क्षेत्रों में भ्रमणशील राकर अधैय खनन के सम्बन्ध में सवेदनशील स्थलों की जाँच कर शर्मायी कार्रवाई करना सुनिश्चित करेंगे।
2. मय एरन्ना (प्रवर्तक-एम्बएम्ब 11) के बिना साधारण मालु का परिवहन किया जाता हुआ पाये जाने पर खनिज वाहन को रोक करके हुए सम्बन्धित वाहन चालक एम पट्टाचारक अथवा अधैय खननकर्ता के विरुद्ध सुरंगत भाराओं में प्रथम सूचना रिपोर्ट दर्ज कराकर कड़ी कार्रवाई करायी जाये।
3. जिला किली पट्टाचारक द्वारा अपने पट्टा क्षेत्र मय रमन्ना (प्रवर्तक-एम्बएम्ब 11) अधैय खनन कर मालु का परिवहन करने वाले किसी अन्य अधैय खननकर्ता को उपलब्ध कराया जाता है तो दोष सिद्ध होने पर ऐसे पट्टाचारक के विरुद्ध सुरंगत भाराओं में प्रथम सूचना रिपोर्ट दर्ज करके हुए उनके पर में रवीकृत पट्टा को निरस्त करने की कार्रवाई करायी जाये।
4. क्षेत्र में एकत्रित मालु की मात्रा का आकलन करने के निर्देश दिये गये, जिसके क्रम में लगभग 51,480.00 घनमी0 मालु अधैय रूप से एकत्रित किया हुआ पाया गया। एकत्रित मालु का कोई दावदार नहीं पाये जाने पर उसकी नीलामी हेतु दिनांक 12.07.2019 की तिथि निगद है।
5. खनन क्षेत्र के रोकना दिनांक 01 जुलाई से 30 सितम्बर तक खनन/परिवहन पूर्णतया प्रतिबन्धित रहता है, जिसके क्रम में दिनांक 30 जून रात्रि 12:00 बजे से मालु के खनन/परिवहन पूर्णतया प्रतिबन्धित किया जा मुया है। इसके अविरत अनिश्चित खनन एवं निषर्ण के उल्लेखन पाये जाने पर मगुना नदी के क्षेत्र में कुल-03 मालु के खनन पट्टे निरस्त कर दिये गये हैं।



प्रभारी खनन अधिकारी,  
प्रयागराज।



उपर जिलाधिकारी (प्रशासन),  
प्रयागराज।



जिलाधिकारी,  
प्रयागराज।

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

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

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

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

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

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

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

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

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

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

*[Handwritten signature]*

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

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

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

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

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

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**Direction:-**

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

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

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

*for*

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

### C. Chaurdrasekhar Park (Ganpati Garden), Prayagraj

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

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

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

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

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

## Annexure-V

प्रेषक,  
जिलाधिकारी,  
प्रयागराज।

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

पत्रांक: 623/खनन/2020-21

दिनांक: 27/06/2020

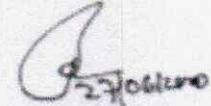
विषय—ओ०ए० संख्या—870/2018 अतुल सिंह चौहान बनाम पर्यावरण, वन एवं जलवायु परिवर्तन मंत्रालय व अन्य के सम्बन्ध में।

महोदय,

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

संलग्नक—उपरोक्तानुसार।

भवदीय



(भानुचन्द्र गोस्वामी)

जिलाधिकारी, प्रयागराज।

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

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

**वित्तीय वर्ष 2018-19**

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

**वित्तीय वर्ष 2019-20**

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

**वित्तीय वर्ष 2020-21**

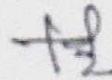
(दिनांक 14.06.2020 तक)

क्र0सं0	अवैध खनन के प्रकार	अवैध भण्डारण के प्रकार	दर्ज प्रथम सूचना रिपोर्ट की संख्या	अवैध परिवहन के प्रकार	दर्ज परिवारों की संख्या
1	2	3	4	5	6
1	02	09	11	67	90

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

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





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

3. कार्यालय जिलाधिकारी के पत्र सं०-704/खनिज/2019 दिनांक 11.07.2019 द्वारा अथेड खनन/परिवहन पर प्रभावी कार्यवाही किये जाने हेतु सम्बन्धित अधिकारियों को निर्देश दिये गये हैं। सभी सख्त प्राधिकारियों द्वारा अथेड खनन पर अंकुश लगाने हेतु नियमित रूप से नियमानुसार प्रभावी कार्यवाही की जा रही है।
4. जिला सर्वेक्षण रिपोर्ट के अनुसार जनपद प्रयागराज में यमुना नदी तल स्थित सञ्चारण बालू के खण्ड सं०-01 से 21 तक कुल 21 क्षेत्र हैं। उक्त क्षेत्रों के वर्तमान स्थिति का विवरण निम्नवत् है-
  - (क) बालू खण्ड सं०-03 व 16 में ई-निविदा सह ई-नीलामी प्रणाली के माध्यम से सञ्चारण बालू क्षेत्र को परिहार पर उठाये जाने के सम्बन्ध में कार्यालय विज्ञापित सं०-288/खनिज/2020-21 दिनांक 30.05.2020 द्वारा विज्ञापित किया गया है। ई-निविदा सह ई-नीलामी की कार्यवाही क्रमशः दिनांक 10.07.2020 व 13.07.2020 को सम्पन्न होगी।
  - (ख) बालू खण्ड सं०-06 को ई-निविदा प्रणाली के माध्यम से खनन अनुज्ञा पत्र पर स्वीकृत किये जाने हेतु कार्यालय के पत्र सं०-171/खनिज/2020-21 दिनांक 27.05.2020 द्वारा विज्ञापित किया गया था। उक्त विज्ञापित में बालू खण्ड सं०-06 हेतु कोई बोली प्राप्त न होने के कारण पुनः कार्यालय के पत्र सं०-620/खनिज/2020-21 दिनांक 27.06.2020 द्वारा विज्ञापित किया गया है।
  - (ग) बालू खण्ड सं०-05 व 07 में ई-निविदा सह ई-नीलामी प्रणाली/ई-निविदा प्रणाली के माध्यम से सर्वोच्च बोलीदार के पक्ष में लेटर ऑफ इन्टेन्ट क्रमशः दिनांक 22.06.2020 व 18.06.2020 को निर्गत किया गया है।
  - (घ) बालू खण्ड सं०-09, SEIAA लखनऊ के समक्ष पेशावरण अनापत्ति हेतु लम्बित है।
  - (ङ) बालू खण्ड सं०-08 व 21 मा० उच्च न्यायालय, इलाहाबाद के आदेश के अनुपालन में खनन पट्टा पुनः स्थापित हो गया है, जिसमें सम्बन्धित पट्टेधारक को बकाया धनराशि जमा किये जाने हेतु क्रमशः दिनांक 28.06.2020 व 08.06.2020 द्वारा नोटिस निर्गत की गयी है। उक्त दोनों क्षेत्र में वर्तमान समय में खनन बन्द है।
  - (च) बालू सं०-01, 02, 10, 11, 12, 13, 14, 15, 18, 19 व 20 वर्तमान में जलमग्न होने के कारण कोई कार्यवाही किया जाना सम्भव नहीं है।
  - (छ) बालू खण्ड सं०-04 के पट्टेधारक द्वारा देय किरातों की धनराशि जमा न होने के कारण वर्तमान में उक्त बालू खनन पट्टा में खनन कार्य प्रतिबन्धित है।
  - (ज) बालू खण्ड सं०-17 माघ मेला क्षेत्र को अन्तर्गत होने के कारण खनन पट्टे पर रिये जाने योग्य नहीं है।

सूचना सादर प्रेषित।

(अंजनी कुमार सिंह)  
ज्येष्ठ खान अधिकारी,  
प्रयागराज।

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

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

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The attendance sheet of committee Members and stakeholders is enclosed.

Mining of sand and its transportation in Prayagraj District:

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

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



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

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

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

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

#### STONE Mining:

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

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

**Mining of sand in Kaushambi District:**

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

**Shaheed Chandra Shekhar Azad Park:**

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

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



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

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

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

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

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

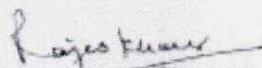
The Superintendent, Garden submitted that 03 (three) new toilets and Acupressure jogging track inside the Circle are under construction since several months and the aforesaid work has not yet been completed. The construction material is lying here and there which is causing difficulty in maintaining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

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

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

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

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

  
(Justice) Rajes Kumar

Chairman

Oversight Committee, NGT New Delhi

**Annexure- VII**

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

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The attendance sheet of committee Members and stakeholders is enclosed.

**Mining of sand and its transportation in Prayagraj District:**

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

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



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

**Mining of sand in Kaushambi District:**

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

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

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

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

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

*Rajes Kumar*  
(Justice Rajes Kumar)  
Chairman

Oversight Committee, NGT New Delhi

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

The attendance sheet of committee Members and stakeholders is enclosed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **Mining of sand in District Kaushambi:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Rajes Kumar*  
(Justice Rajes Kumar)  
Chairman

Oversight Committee, NGT New Delhi

Meeting No. \_\_\_\_\_

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

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

Other dignitaries present:

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

Meeting was held as scheduled.

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

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

Sl No	Issues/points of discussion	Decisions taken by the Committee
1	Environment Monitoring Cell	It has been mentioned that so far no Environment Monitoring Cell has been set up

			in the office of Chief Secretary. It was directed that the same may be set up immediately and work be started.
2	Action Plans to be submitted by all the States to CPCB latest by 31.10.2018 and executed in the outer deadline of 31.12.2019 which were be overseen by the Principal Secretaries of Urban and Rural Development Departments of the State.		It is informed that Action plans, as directed by the Hon'ble NGT, have been submitted within the time stipulated.
3	The State should have Monitoring Committees headed by the Secretary, Urban Development Department with the Secretary of Environment Department as Members and CPCB and State Pollution Control Boards (SPCBs) assisting the Committees.		This has been done as per directions of Hon'ble NGT.
4	They should have interaction with the local bodies once in two weeks. Local bodies are to furnish their reports to State Committees twice a month. The State Committees may take a call on		It was mentioned that reports of meeting are uploaded on portal.

	technical and policy issues.		
5	Instead of every local body separately floating tenders, the standardized technical specifications be involved and adopted.		Collection and Transport standards are being involved and adopted.
6	Best practices may be adopted, including setting up of Control Rooms where citizens can upload photos of garbage which may be looked into by the specified representatives of local bodies, at local level as well as State level.  It was directed that mechanism be evolved for citizens to receive and give information.		Setting up of Control Rooms, etc be ensured within the next three weeks and compliance report be submitted to the Committee.
7	CCTV cameras be installed at dumping sites.		It is assured that CCTV cameras will be installed at every dumping site within three months.
8	GPS be installed in garbage collection vans. This may be monitored appropriately.		This is being done. It is informed that installation of GPS in 17 Nagar Nigams would be completed by March, 2020.
9	Three model towns, three model villages and three model cities.		So far as three model towns and three model villages are concerned, it was mentioned that the work has started in two model towns, namely, Newari and Burhana, where 100 percent collection, segregation and processing of MSW is taking place. The work of three model villages will be started very soon. As

			regards three model cities, the work has started in Mathura, Lucknow and Varanasi.
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As far as the portal is concerned, so far only blank formats have been uploaded on the portal. No data is available. It may be ensured that the data from all the districts in all the formats are uploaded in time.

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

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

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

**(Dr Anup Chandra Pandey)**  
**Member, Oversight Committee**

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

January 29, 2020

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

The attendance sheet of committee Members and stakeholders is enclosed.

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

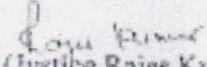
Mining of sand in District Prayagraj: Shri Anjani Kumar, Senior Mines Officer stated that he may be allowed one week's more time to give the reply to the petition filed by the petitioner (Shri Atul Singh Chauhan, petitioner before the Hon'ble NGT). Verbally he stated that various actions have been taken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



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

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

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

  
(Justice Rajes Kumar)  
Chairman

Oversight Committee, NGT New Delhi

Meeting No. \_\_\_\_\_

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

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

Other dignitaries present:

1. Shri Anurag Yadav, Secretary, Urban Development, Govt of UP, 9415285554, E-mail [secud18@gmail.com](mailto:secud18@gmail.com)
2. Shri Ashish Tiwari, Member Secretary, UPPCB, Lucknow.

Meeting was held as scheduled.

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

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

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

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

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

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

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

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

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

**(Dr Anup Chandra Pandey)**  
**Member, Oversight Committee**

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

March 02, 2020

## Annexure-XII

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

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

Other dignitaries present:

1. Shri Devesh Chaturvedi, Additional Chief Secretary, Govt of UP
2. Shri Ashish Tiwari, Member Secretary, UPPCB
3. Dr DK Soni, CPCB, Lucknow
4. Shri Anil Kumar Sharma, Chief Mining Officer
5. Shri Anjani Kumar Singh, Mining Officer, Allahabad
6. Shri Mushtaq, Addl Project Manager, NMCG

Meeting was held as scheduled.

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

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

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

meters instead of permissible limit of 6 cubic meters. Mining was being done in utter violation of orders passed by Hon'ble NGT in the cases of Sudarshan Das vs. MoEF, Mustakim vs State of UP and Satyendra Pandey vs. Govt of India.

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

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

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

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

compensation on them. The Monitoring Committee had asked to give them an opportunity of hearing before taking final decision.

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

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

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

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

within three months from today to cover the cost of restoration of environment and to compensate the victims.

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

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

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

(a) Cost of river bed material.

(b) Cost of ecological restoration.

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

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

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

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

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

"56. Similar criteria may have to be taken into account for arriving at an approximate scale of compensation. The compensation is to include not only the full value of the illegally mined material but also cost of restoration of environment as well as cost of ecological services foregone forever. It should be deterrent so as not to render such illegal activity profitable. In *Sudarsan Das Vs. State of West Bengal & Ors.* (Supra), it was held that full value of the

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

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

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

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

S No.	Issues/ points of discussion	Current status and decision
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<p>Report regarding District Prayagraj.</p> <p>Recovery of damages for illegal mining and coercive measures against the vehicle involved in illegal sand mining.</p>	<p>Chief Mining Officer informed the Committee that in the entire State, at the places where sand mining is going on, weigh-bridges have been constructed and CCTV cameras have been installed to check illegal sand mining and its transportation. This has been incorporated in the rule.</p> <p>So far confiscation of vehicles is concerned, it was informed by the Chief Mining Officer that under the Mines and Minerals (Development and Regulation) Act, 1957 (for short, MMDR Act), the competent authority is the court of Chief Judicial Magistrate for lodging complaints. In the complaints, orders of the Hon'ble NGT are referred to. Confiscated vehicles are released by the court of Chief Judicial Magistrate concerned after obtaining an affidavit and trial continues in due course. This is a practice in Prayagraj, but in other districts too, the same procedure is being adopted.</p> <p>On query being made that when the orders of Hon'ble NGT in this regard have been confirmed by Hon'ble Supreme Court, then why the Chief Judicial Magistrate is releasing the confiscated vehicles on affidavit and whether the Chief Judicial Magistrate is made aware of the above confirmation by Hon'ble Supreme Court on 7th May, 2019 and even thereafter if confiscated vehicles are being released without payment of penalty, whether appeals are being preferred, the Chief Mining Officer replied that so far no appeal has been preferred, but they will do it now.</p>
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Shri Ashish Tiwari, Member Secretary, UPPCB informed that the penalty regime has now been amended by Hon'ble NGT vide order dated 28.02.2020 passed in OA No. 670/2018 to the following effect:

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

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

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

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

*NGT had further directed that the above compensation regime will be over and above any existing rules or provisions.*

*Let the State Government issue an appropriate Office Order/Rule to this effect in accordance with the spirit of orders of Hon'ble NGT referred to hereinabove by incorporating State Amendment.*

The Committee was informed by Shri Anjani Kumar Singh, Mining Officer, Prayagraj that there are 2 running pattas i.e. Ganga (working) and Yamuna (suspended from 04.06.2020). Both the mining areas have CCTV cameras. There were 21 pattas earlier, but at present only two pattas are there, out of which one patta relating to Ganga is in running condition and the other one, which relates to Yamuna, is suspended on account of non-payment of royalty. Tender were advertised but due to lockdown, tender process could not be completed. He further informed that till date 14 FIRs have been lodged illegal sand mining. However, no penalty has been realised so far from illegal miners.

Let the District Magistrate, Prayagraj submit a detailed report within a week in regard to steps taken against illegal sand miners, vehicles confiscated, penalty imposed/realised, action taken against accountable officers, surprise inspections made so far by District Magistrate and Senior Superintendent of Police and daily reports submitted by the district administration to the Head Office at Lucknow.

		<p>The Committee directed to check illegal mining by all means. CPCB was directed to provide assistance in calculating the EC in compliance with the directions of HonNGT.</p> <p>Shri SN Singh, EPD informed that illegal sand mining is going on in large scale in Kanpur Dehat area, Augasi Ghat in Fatehpur, Chitrakoot and Kaushambi.</p> <p>The Chief Mining Officer was directed to get an inspection made against illegal sand mining in the aforesaid areas and submit a detailed report. He shall ensure that no mining is permitted to be done in violation of the provisions of MMDR Act and rules framed thereunder and suitable action is taken against wrong-doers.</p> <p><i>Shri Ashish Tiwari, Member Secretary, UPPCB suggested for issuing direction to CPCB to make standard formula for compensation instead of different compensation regimes presently in vogue.</i></p>
2	Best practices (setting up of control rooms)	<p>The Committee has been informed by Chief Mining Officer that</p> <p>Command Centre has been established at Lucknow.</p>
3	Installation of GPS	<p>The Chief Mining Officer informed that process for installing GPS in vehicles is in progress.</p>
4	Environmental compensation	<p>The Committee suggested that EC is taken as per recommendations made by Hon'ble NGT on the report submitted by the Committee headed by Mr Justice Rajes Kumar.</p>
5	License from UPPCB and CGWA (83 Silica Sand Mining Plants)	<p>Shri Ashish Tiwari, Member Secretary, UPPCB informed that out of 83 Silica Sand Mining Plants which were identified, only 04</p>

		<p>have permission from UPPCB. Rest plants were sealed for want of permission on the basis of inspection done by a committee on 16.06.2020 and EC was imposed. District Magistrate has issued recovery certificate for realisation of the same.</p> <p>The Committee directed that Silica Sand Mining Plants be made viable after obtaining environmental clearance from UPPCB.</p>
6	Other items:	<p>Department of Irrigation was directed to submit a report regarding illegal mining of minor minerals in irrigation channels.</p>

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

*Sd/-*  
**(Justic SVS Rathore)**  
**Chairman, Oversight Committee**

*June 18, 2020*

## Annexure- XIII

## Environmental Monitoring Cell

उत्तर प्रदेश शासन  
पर्यावरण, वन एवं जलवायु परिवर्तन अनुभाग-7  
संख्या- N-G-T-234 / B1-7-2020-01(रिट) / 2019  
लखनऊ : दिनांक : 05 जून, 2020

## कार्यालय ज्ञाप

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

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

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

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

3- "Environment Monitoring Cell" का गठन :-

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

- 2 -

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

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

4- **"Environment Monitoring Cell" के दायित्व :-**

- 1- मा० राष्ट्रीय हरित अधिकरण में विचारार्थीन ऐसे समस्त प्रकरण जिनमें मुख्य सचिव, उ०प्र० शासन के लिए अनुपालन/अनुश्रवण हेतु निर्देश जारी हों, में आगामी कार्यवाही की तिथि प्रदर्शित करते हुए सूचीबद्ध किया जाना।
- 2- मा० राष्ट्रीय हरित अधिकरण में विचारार्थीन ऐसे समस्त प्रकरण जिनमें मुख्य सचिव, उ०प्र० शासन के लिए अनुपालन/अनुश्रवण हेतु निर्देश जारी हों, में माननीय अधिकरण के निर्देशों को विभागवार संकलित करते हुए मुख्य सचिव, उ०प्र० शासन की ओर से सम्बन्धित विभागों को निर्देश प्रेषित कराये जाने हेतु आलेख्य तैयार कर प्रस्तुत करना।
- 3- ऐसे प्रकरण जिनमें मा० अधिकरण द्वारा मुख्य सचिव, उ०प्र० शासन के लिए अनुपालन आख्या प्रस्तुत किये जाने के निर्देश दिये गये हों, में मुख्य सचिव कार्यालय को सुनवाई की तिथि अथवा अनुपालन हेतु निर्धारित तिथि से कम से कम 15 दिन पूर्व अवगत कराते हुए संबंधित विभागों से अनुपालन आख्या प्राप्त कर एवं उसका परीक्षण कर मुख्य सचिव, उ०प्र० शासन के समक्ष प्रस्तुत करना।
- 4- पर्यावरण, वन एवं जलवायु परिवर्तन विभाग, उ०प्र० शासन के कार्यालय ज्ञान स०-13/2019/एन०जी०टी०-257/55-पर्या-2-2019-44(रिट)/2018, दिनांक 14.06.2019 के माध्यम से पर्यावरण संरक्षण एवं प्रदूषण नियंत्रण हेतु स्थापित त्रिस्तरीय अनुश्रवण तंत्र के अंतर्गत राज्य स्तरीय समितियों की बैठकों से प्राप्त अनुपालन रिपोर्टों का सारांश तथा मुख्य सचिव, उ०प्र० शासन स्तर पर माह के अंतिम सप्ताह में समीक्षा बैठक आयोजित किये जाने हेतु एजेण्डा तैयार कर मुख्य सचिव, उ०प्र० शासन के समक्ष प्रस्तुत करना।
- 5- U.P. Environment Compliance Portal ([www.upecp.com](http://www.upecp.com)) के माध्यम से जिला स्तर एवं संबंधित विभाग स्तर द्वारा किये गये अनुपालन की स्थिति का अनुश्रवण करना।
- 6- उक्त सेल का कार्यालय उ०प्र० प्रदूषण नियंत्रण बोर्ड मुख्यालय, टी०सी०-12वीं, विभूति खण्ड, गोमती नगर, लखनऊ में होगा।
- 7- उक्त सेल द्वारा सम्पादित किये जाने वाले उपरोक्त कार्यों का नियमित अनुश्रवण प्रमुख सचिव, पर्यावरण, वन एवं जलवायु परिवर्तन विभाग द्वारा किया जायेगा।

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

- 3 -

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

राजेन्द्र कुमार तिवारी  
मुख्य सचिव।

संख्या-N(ज०-237(1)/81-7-2020-01(रिट)/2019, तद्दिनांक।

प्रतिलिपि-निम्नलिखित को सूचनाार्थ एवं आवश्यक कार्यवाही हेतु प्रेषित :-

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

आज्ञा से,  
  
(संजय सिंह)  
सचिव।



## केन्द्रीय प्रदूषण नियंत्रण बोर्ड

### Central Pollution Control Board

राष्ट्रीय विदेशालय, लखनऊ

Regional Directorate, Lucknow

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

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



Ref. No. 20/Tech/NGT/341/308

Date: 30.06.2020

To,

The Chairman,  
Oversight Committee,  
Environment Directorate,  
Vinay Kant-1 Gomti Nagar,  
Lucknow-226010

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

Sr.

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

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

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

Yours faithfully,

*(R.K. Singh)*  
Regional Director

विद्युत सहाय विद्युति विभाग, पोस्टी रोड, लखनऊ-226010 (उ.प्र.)

Mr. C.P. Bhawan, Vinay Kant-1 Gomti Nagar

Lucknow-226010 (U.P.)

दूरभाष नम्बर: 0522-4087900, 4087700

फ़ैक्स / टी. 0522-4087901, 3721110

वेबसाइट: 0522-4087902

ई-मेल / वेबसाइट: cpcb@centralpollutioncontrolboard.gov.in

राष्ट्रीय प्रदूषण नियंत्रण बोर्ड कार्यालय

विद्युत सहाय, पोस्टी रोड, लखनऊ-226010

दूरभाष नम्बर: 0522-4087900, 4087700

फ़ैक्स / टी. 0522-4087901, 3721110

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केंद्रीय प्रदूषण नियंत्रण बोर्ड कार्यालय

## Annexure- XV

प्रेषक,

निदेशक,

भूतस्थ एवं खनिकर्म निदेशालय 3090,

खमिज मदन, लखनऊ।

सेवा में

जिलाधिकारी,

कानपुर देहात / फतेहपुर / मिर्जापुर / कौशांबी।

संख्या 470 / एन0-एन0जी0टी0/2019

दिनांक 01, जुलाई, 2020

विषय- मा0 राष्ट्रीय हरित अधिकरण ओवरसाइट कमेटी की बैठक दिनांक 18.08.2020 में उठाये गये अवैध खनन को रोके जाने के सम्बन्ध में।

महोदय,

कृपया उपर्युक्त विषयक के सम्बन्ध में अवगत करना है कि मा0 राष्ट्रीय हरित अधिकरण नई दिल्ली में योजित ओ0ए0 संख्या-670/2018 अतुल चौहान बनाम उत्तर प्रदेश राज्य व अन्य में पारित आदेश के अनुक्रम में ओवरसाइट कमेटी की बैठक दिनांक 18.08.2020 को सम्पन्न हुयी। उक्त बैठक में श्री एस0एन0 सिंह, इं0पी0डी0 द्वारा सूचना दी गयी कि कालू/भोरम के अवैध खनन का कार्य बड़े पैमाने पर कानपुर देहात क्षेत्र फतेहपुर के जीगासी घाट मिर्जापुर तथा कौशांबी में किया जा रहा है।

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

भवदीय

(डा० रोशन जैकब)

निदेशक।

प्रतिलिपि- सदस्य-सचिव, ओवरसाइट कमेटी को सूचनाार्थ एवं आवश्यक कार्रवाई हेतु प्रेषित।

(डा० रोशन जैकब)

निदेशक।

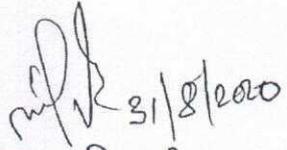
**Present Status of Sand Blocks, (Yamuna River) in  
District Prayagraj**

S.N.	Details	Number of Block
1	Total Number of Sand Blocks in Yamuna river	21
2	Water Logged Area (Mining Lease cannot be granted in by the direction of H'ble NGT and H'ble Supreme Court Order's)	11
3	Letter of Intent issued (Lease will be granted after issuance of Environment Clearance from SEIAA)	04
4	In Process of Letter of Intent	01
5	Number of Advertised Sand Area	02
6	Pending In SEIAA (For Environment Clearance)	01
7	No bid found In Advertisement	01
8	Number of Area Affected by Kumbh Mela	01

  
 31/8/2020  
 Senior Mines Officer  
 Prayagraj

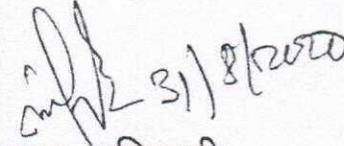
## जनपद प्रयागराज के स्थित यमुना नदी के 21 साधारण बालू क्षेत्रों की वर्तमान अद्यतन स्थिति

1. जलमग्न बालू क्षेत्रों की संख्या- 11 (खण्ड संख्या-1, 2, 10, 11, 12, 13, 14, 15, 18, 19, 20) मा0 सर्वोच्च न्यायालय एवं मा0 राष्ट्रीय हरित अधिकरण के दिशा निर्देशों के अनुपालन में जलमग्न क्षेत्रों को खनन परिहार पर स्वीकृत नहीं किया जा सकता है। उक्त जलमग्न क्षेत्रों को डी0एस0आर0 से पृथक किये जाने के सम्बन्ध में शासन को कार्यालय के पत्र दिनांक 04.08.2020 द्वारा पत्र प्रेषित किया गया है।
2. साधारण बालू के निर्गत आशय पत्र की संख्या-4 (खण्ड संख्या-3, 5, 7, 16) उक्त क्षेत्रों हेतु राज्य स्तरीय पर्यावरण समाघात प्राधिकरण से पर्यावरण स्वच्छता प्रमाण पत्र निर्गत किये जाने के उपरान्त खनन पट्टा निष्पादन की कार्यवाही की जायेगी।
3. आशय पत्र निर्गत किये जाने हेतु प्रक्रियाधीन-1 (खण्ड संख्या-04)
4. विज्ञापित किये गये बालू क्षेत्रों की संख्या-2 (खण्ड संख्या-8, 21) उक्त क्षेत्रों को कार्यालय पत्र दिनांक 20.08.2020 द्वारा विज्ञापित किया गया है। उक्त क्षेत्रों हेतु ई-नीलामी की तिथि दिनांक 16.10.2020 व 17.10.2020 नियत है।
5. पर्यावरण अनापत्ति हेतु SEIAA में लम्बित क्षेत्र की संख्या-01 (खण्ड संख्या-09) उक्त क्षेत्र हेतु राज्य स्तरीय पर्यावरण समाघात प्राधिकरण से पर्यावरण स्वच्छता प्रमाण पत्र प्राप्त नहीं है।
6. साधारण बालू क्षेत्र को परिहार पर स्वीकृत किये जाने हेतु विज्ञापित क्षेत्र में कोई ई-निविदा प्राप्त न होने वाले क्षेत्र की संख्या-01 (खण्ड संख्या-6) उक्त क्षेत्र को शासनादेश दिनांक 23.05.2020 में दिये गये निर्देशों के क्रम में अल्प अवधि हेतु खनन अनुज्ञा पत्र पर स्वीकृत किये जाने हेतु व्यवस्थित किया जा रहा है।
7. माघ मेला के कारण प्रतिबन्धित क्षेत्र की संख्या-01 (खण्ड सं0-17)

  
 31/8/2020  
 ज्येष्ठ खान अधिकारी  
 प्रयागराज।

वित्तीय वर्ष 2020-21 में किये गये प्रवर्तन  
कार्यों का विवरण

क्र०सं०	माह	पकड़े गये वाहनों की संख्या	
		माह में	माह तक
1	अप्रैल, 2020	13	13
2	मई, 2020	51	64
3	जून, 2020	34	98
4	जुलाई, 2020	13	111
5	अगस्त, 2020	88	199

  
 ज्येष्ठ खान अधिकारी,  
 प्रयागराज।

प्रेषक,  
ज्येष्ठ खान अधिकारी,  
प्रयागराज।  
सेवा में,  
अध्यक्ष,  
ओवर साईट समिति  
मा0 राष्ट्रीय हरित अधिकरण।

पत्रांक: 1126/खनिज/2020-21

दिनांक 31/08/2020

विषय:—जनपद प्रयागराज में यमुना नदी तल में स्थित 21 साधारण बालू क्षेत्र व अवैध खनन/परिवहन के विरुद्ध की गयी कार्यवाहियों की अद्यतन स्थिति।

महोदय,

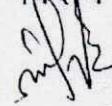
कृपया अवगत कराना है कि जनपद प्रयागराज में यमुना नदी तल में स्थित 21 साधारण बालू क्षेत्रों की वर्तमान स्थिति तथा जनपद के अवैध खनन/परिवहन के विरुद्ध की गयी कार्यवाहियों से अवगत कराने हेतु निर्देश दिये गये हैं।

उक्त के सम्बन्ध में अवगत कराना है कि यमुना नदी तल में स्थित 21 साधारण बालू क्षेत्रों की वर्तमान स्थिति तथा जनपद के अवैध खनन/परिवहन के विरुद्ध की गयी कार्यवाहियों का विवरण इस पत्र के साथ संलग्न कर प्रेषित की जा रही है। उक्त के अतिरिक्त यह भी अवगत कराना है कि ग्राम सेमरी (यमुना नदी) तहसील-बारा, जनपद-प्रयागराज में अवैध खनन के सम्बन्ध में मा0 राष्ट्रीय हरित अधिकरण में ओ0ए0संख्या-869/2019 मनोज कुमार पाण्डेय, माँ गंगा, यमुना, सरस्वती सेवा संस्थान बनाम उ0प्र0 राज्य के सम्बन्ध में मा0 राष्ट्रीय हरित अधिकरण द्वारा आदेश दिनांक 27.08.2020 (आदेश की प्रति संलग्न) के द्वारा निस्तारित किया गया है।

कृपया प्राप्ति स्वीकार करने का कष्ट करें।

संलग्नक—उपरोक्तानुसार।

भवदीय

 31/08/2020

ज्येष्ठ खान अधिकारी,  
प्रयागराज।

सेवा में,

माननीय न्यायामूर्ति श्री एस0वी0एस0 राठौर,  
अध्यक्ष ओवरसाईट कमेटी,  
मा0 रा0ह0अ0,  
नई दिल्ली।

विषय: ओ0ए0 नम्बर 670/2018 के सम्बन्ध में।

महोदय,

सादर अवगत कराना है कि जनपद-प्रयागराज के यमुना नदी पर हो रहे अवैध खनन, अवैध परिवहन, अवैध भण्डारण, ओवर लोड परिवहन व नदी की जलधारा से नावों द्वारा किये जा रहे खनन एवं नदी की जलधारा में आवंटित खनन पट्टों के सम्बन्ध में मेरे द्वारा मा0 रा0ह0अ0 प्रधानपीठ, नई दिल्ली में ओ0ए0 नं0 670/2018 वाद योजित किया जिसमें मा0 अधिकरण द्वारा जनपद में व्याप्त अनियमितताओं के सम्बन्ध में जांच करने हेतु मा0 न्यायामूर्ति श्री राजेश कुमारजी की अध्यक्षता में ओवरसाईट कमेटी का गठन किया गया जिसमें मा0 न्यायामूर्ति श्री राजेश कुमार जी द्वारा जनपद-प्रयागराज के खान प्रशासन एवं पुलिस की संयुक्त मिलिभगत से जनपद में खनन के अवैध कारोबार में संलिप्तता को अपने मिनट्स एवं रिपोर्ट में कहा गया है, एवं मा0 अधिकरण के दिशा-निर्देशों के अनुसार खनन कार्य को करने हेतु निर्देशित किया गया है।

मा0 ओवरसाईट कमेटी के दिशा-निर्देशों के उपरान्त जनपद प्रयागराज में अवैध खनन कारोबार को रोकने हेतु कई मुकदमें विभिन्न थानों में बहुतायत मात्रा में दर्ज किये गये एवं निदेशक, भूतत्व एवं खनिकर्म की निरीक्षण आख्या दिनांक 24.06.2019 में यह पाया गया है कि जनपद-प्रयागराज में खननपट्टों का आवंटन अवैज्ञानिक है अतः जनपद-प्रयागराज के समस्त पट्टों को निरस्त करते हुए पुनः जिला सर्वेक्षण रिपोर्ट तैयार कर नये सिरे से खनन पट्टों का आवंटन किया जाय, को कहा गया है, परन्तु जिला खान प्रशासन, प्रयागराज द्वारा गलत ढंग से आवंटित बालू खनन खण्डों के तथ्यों को छिपाकर किस्तों के बकाये के आधार पर निरस्त कर दिया गया परन्तु निदेशक, भूतत्व एवं खनिकर्म की निरीक्षण आख्या दिनांक 24.06.2019 के उपरान्त भी जिला सर्वेक्षण रिपोर्ट तैयार नहीं कराया गया।

निदेशक, भूतत्व एवं खनिकर्म निदेशालय, उ0प्र0 के शासनादेश संख्या-1955/86/2019-57(सा0)/2017 दिनांक 30.08.2019 में यह कहा गया कि मानसून सत्र के उपरान्त स्वीकृत खनन पट्टों की वास्तविक स्थिति एवं खनन योग्य उपलब्ध बालू/मोरम की मात्रा का आंकलन करने के आदेश दिये गये हैं। इस शासनादेश के अनुपालन में कार्यालय जिलाधिकारी प्रयागराज के आदेश संख्या-1058/ई टेंडर बालू/खनन/2019-20 दिनांक 24.09.2019 द्वारा प्राविधिक समिति का गठन कर स्वीकृत खनन पट्टों की वास्तविक स्थिति एवं खनन योग्य उपलब्ध बालू/मोरम की मात्रा का आंकलन करते हुए संस्तुति सहित आख्या उपलब्ध कराने के आदेश दिये गये।

उक्त निर्देश के अनुपालन में प्राविधिक समिति द्वारा दिनांक 28.11.2019 को स्थलीय जांच कर जनपद प्रयागराज में आवंटित बालू के 51 खनन खण्डों की आख्या प्रस्तुत की गयी जिसमें यमुना नदी के ज्यादातर आवंटित खण्ड यमुना नदी की जलधारा में पाये गये तथा कुछ खण्ड नदी के दूसरे छोर पर खनन योग्य खण्ड में उपलब्ध बालू का खनन कार्य पर्यावरणीय/पारिस्थितिकीय/वैज्ञानिक दृष्टिकोण से उत्तर प्रदेश उपखनिज (परिहार) नियमावली, 1963 अनुमोदित खनन योजना एवं पर्यावरणीय अनापत्ति में इंगित शर्तों एवं शासनादेशों में उल्लिखित प्राविधानों का अनुपालन करते हुए नियमानुसार खनन कार्य किये जाने की संस्तुति की जाती है, जबकि खण्ड सं0 4 का आवंटन जनपद प्रयागराज की तरफ हुआ था और पट्टेदार द्वारा खनन योजना एवं स्वच्छता प्रमाण पत्र भी जनपद-प्रयागराज की तरफ से खनन एवं परिवहन हेतु प्राप्त किया गया था।

यहां इस बात का उल्लेख करना आवश्यक है कि प्राविधिक समिति की निरीक्षण आख्या के उपरान्त जनपद-प्रयागराज के तहसील-बारा स्थित ग्राम सेमरी खण्ड सं0-4 रकबा 8.00 हे0 मात्रा 1,60,000.00 घनमीटर का खनन की उपलब्धता प्रचुर मात्रा में नदी की मुख्य जलधारा के उस पार जनपद कौशाम्बी की तरफ है क्योंकि जनपद-प्रयागराज की तरफ नदी की मुख्यधारा प्रवाहित हो रही जबकि खण्ड सं0-4 सेमरी का आवंटन जनपद-प्रयागराज की तरफ से किया गया है परन्तु खण्ड सं0-4 के पट्टेधारक द्वारा अवैध रूप से नदी के बीच

जलधारा से पोकलैण्ड, जे0सी0बी, सक्शन मशीन द्वारा अनुमोदित खनन योजना एवं पर्यावरण की अनापत्ति के दिशा-निर्देशों का उल्लंघन करते हुए नदी के दोनों सिरों जनपद-प्रयागराज एवं जनपद-कौशाम्बी की तरफ से किया जाता रहा है जबकि खण्ड सं0 4 को कौशाम्बी की तरफ से परिवहन हेतु कोई भी आदेश जिलाधिकारी प्रयागराज एवं जिलाधिकारी कौशाम्बी द्वारा पारित नहीं किया गया है जबकि पूर्व में खण्ड संख्या 5 नेवड़िया, इमिलिया के पट्टेधारक द्वारा जनपद-कौशाम्बी की तरफ से परिवहन हेतु अनुमति प्राप्त करने हेतु जिलाधिकारी प्रयागराज व जिलाधिकारी कौशाम्बी व निदेशक भूतत्व एवं खनिकर्म द्वारा अनुमति प्रदान करने से मना किया गया था। वर्तमान परिस्थितियों में जिला खान प्रशासन कौशाम्बी एवं प्रयागराज की अनुकम्पा से पूर्व में बकाया राजस्व को जमा कराए बिना व बिना किसी विधिक आदेश के खण्ड सं0 4 सेमरी को अनुमोदित खनन योजना एवं स्वीकृत पर्यावरण स्वच्छता प्रमाण पत्र के दिशा-निर्देशों का उल्लंघन कर जनपद-कौशाम्बी की तरफ से खनन एवं परिवहन कार्य किया गया।

उपरोक्त वर्णित परिस्थितियों में जनपद-प्रयागराज के जिला खान अधिकारी श्री अंजनी कुमार द्वारा निदेशक, भूतत्व एवं खनिकर्म को गुमराह कर गलत तथ्यों के आधार पर बिना जिला सर्वेक्षण रिपोर्ट तैयार कराए प्राविधिक समिति की आख्या के आधार पर जनपद-कौशाम्बी के जिला खान अधिकारी से साठ-गांठ कर खण्ड सं0-4 सेमरी को जनपद-कौशाम्बी के चायल तहसील स्थित महरनिया खण्ड से खनन कार्य की अनुमति बिना पूर्व की बकाया देय धनराशि जमा कराये खनन एवं परिवहन की अनुमति प्रदान कर दिया गया।

जनपद-कौशाम्बी के तहसील-चायल स्थित महरनिया खण्ड का लेटर आफ इन्टेन्ट कार्यालय जिलाधिकारी कौशाम्बी (खनन अनुभाग) के पत्रांक 1390/खनन सहायक कौ0 दिनांक 26.01.2018 को जारी किया गया जिसके उपरान्त खनन योजना (माईनिंग प्लान) तैयार कर स्वच्छता अनापत्ति प्रमाण पत्र प्राप्त करने के बावजूद जनपद-कौशाम्बी के खान अधिकारी द्वारा महरनिया खण्ड का पट्टा विलेख इसलिए नहीं कराया जा रहा ताकि जनपद-प्रयागराज के तहसील-बारा स्थित खण्ड सं0 4 सेमरी के पट्टेधारक द्वारा लगातार महरनिया खण्ड से ही खनन व परिवहन किया जाता रहा है।

जनपद-प्रयागराज के पट्टेधारकों द्वारा यमुना नदी से अवैध बालू खनन करने के सम्बन्ध में थानाध्यक्ष-लालापुर, जनपद-प्रयागराज द्वारा उपजिलाधिकारी-बारा को प्रेषित अपनी रिपोर्ट में कहा गया है कि बालू पट्टेधारकों द्वारा ग्राम-नौढ़िहा, सेमरी एवं पंडुआ में यमुना नदी से नावों द्वारा अवैध बालू खनन किया जा रहा है जिसमें अवैध बालू निकालने पर रोकथाम हेतु गठित संयुक्त टीम को भेज कर आवश्यक कार्यवाही करने की अनुशंसा की गयी है। (थानाध्यक्ष-लालापुर, जनपद-प्रयागराज के रिपोर्ट की छायाप्रति संलग्न है)।

जनपद-प्रयागराज में नदियों को काटकर उसकी जलधारा से अवैध खनन निरन्तर जारी है कार्यवाही व रोकथाम के नाम पर केवल परिवहन कर रहे कुछ वाहनों के विरुद्ध कार्यवाही कर खानापूर्ति की जाती है लेकिन कोई कठोर नीति व अधिकारियों की शिथिलता होने के कारण अवैध खनन एवं परिवहन व भण्डारण का कार्य निरन्तर जारी है। जब विश्व कोविड-19 जैसी महामारी से जूझ रहा था और सम्पूर्ण देश में लॉकडाऊन था उस समय मे भी प्रयागराज नदियों की जलधारा से अवैध खनन कर अवैध भण्डारण का कार्य निरन्तर जारी था, अवैध खनन कार्य कर रहे माफियाओं के हौसले खान प्रशासन की मिलीभगत से इतने बुलन्द थे कि लॉकडाऊन के दौरान थाना-नैनी की पुलिस द्वारा अवैध खनन कार्य रोकने हेतु मौके पर जाने पर माफियाओं द्वारा दिनांक 10.04.2020 को रवि पाण्डेय नामक सिपाही को ट्रैक्टर से कुचल कर मार दिया गया।(दैनिक समाचार पत्र की छाया प्रति संलग्न है)

कार्यालय अधिशासी अभियन्ता बाढ़ कार्य खण्ड प्रयागराज द्वारा पत्रांक 941/बकख. प्रया./लीलापुर बांध/दिनांक 31.05.2019 को जिला खान अधिकारी प्रयागराज को अराजक तत्वों द्वारा बालू खनन कर लीलापुर बांध को क्षतिग्रस्त करने के सम्बन्ध में अवगत कराया गया है जिसकी छायाप्रति संलग्न है।

मा0 डा0 अजय कुमार विधायक 264 बारा, प्रयागराज द्वारा बालू खनन एवं अवैध परिवहन ओवरलोड ट्रकों की वसूली में राजस्व की भारी पैमाने पर क्षति पहुंचाने के सम्बन्ध में विषय में पत्र द्वारा माननीय मुख्यमंत्री उत्तर प्रदेश सरकार को अवगत कराया जा चुका है जिसकी छाया प्रति संलग्न है।

मा0 कुंवर रेवती रमण सिंह, संसद सदस्य (राज्य सभा) द्वारा दिनांक 06.01.2020 को अवैध खनन/परिवहन व भण्डारण करने, सरकार की खनन नीति को हानि एवं सरकारी राजस्व की क्षति हेतु पत्र निदेशक/सचिव, भूतत्व एवं खनिकर्म विभाग उ0प्र0 शासन, लखनऊ को भेजा गया है जिसकी छाया प्रति संलग्न है।

कार्यालय अधिशासी अभियन्ता रा0मा0 खण्ड-1, लो0नि0वि0 प्रयागराज द्वारा वाहनो के ओवर लोडिंग के कारण मार्गों को क्षतिग्रस्त होने से बचाने हेतु कार्यवाही सुनिश्चित कराने के सम्बन्ध में विषयक पत्र खनिज अधिकारी प्रयागराज को पत्रांक 498/1 दिनांक 25.04.2019 को ओवरलोड ट्रकों का नियन्त्रण कराने हेतु भेजा गया है जिसकी छाया प्रति संलग्न है।

उपरोक्त वर्णित परिस्थितियों से यह स्पष्ट है कि जनपद-प्रयागराज में अवैध खनन अवैध परिवहन, अवैध भण्डारण ओवरलोड परिवहन पर कोई रोक व कठोर कार्यवाही नहीं की गयी है।

जनपद-प्रयागराज एवं जनपद-कौशाम्बी में मानसून सत्र (1 जुलाई से 30 सितम्बर) पर अवैध रूप से खनन कर भारी मात्रा में भण्डारण किया गया है जबकि भण्डारण स्थल पर भण्डारण की अनुमति या तो नहीं ली गयी है और यदि लिया गया है तो मात्र 5,000.00 से 40,000.00 घनमीटर भण्डारण की अनुमति ली गयी है जबकि भण्डारण स्थल पर 3 मीटर से अधिक ऊंचाई के भण्डारण स्थल निम्न हैं -

जनपद-कौशाम्बी में महरनिया घाट से सेमरी द्वारा अवैध खनन कर भण्डारित स्थल चायल तहसील के ग्राम सभा औंधन एवं ग्राम सभा पट्टी दली पिपरी सराय अकिल मार्ग के चायल मोड़ के पास ससुर खदेरी नदी के बगल में व अन्य कई ग्रामों में तथा तहसील-मंझनपुर के ग्राम सभा भगवतपुर, कटरी, डेढावल, बढाहरी आदि ग्रामों व महेवा घाट मूरतगंज मार्ग पर धाता मोड़, टिकरा अलवारा मार्ग स्थित पौर काशीरामपुर, करारी से बैरागीपुर मार्ग पर शाहपुर ग्राम में व अन्य जगहों पर यमुना नदी के 3 से 5 किमी0 के क्षेत्र के ग्रामों में जगह-जगह 10,000.00 घनमीटर से कई लाख घनमीटर के अवैध भण्डारण मौजूद हैं और वर्तमान समय में वहां से ओवरलोड ट्रकों द्वारा रात्रि के समय अवैध परिवहन कराया जा रहा है, यदि भण्डारण स्थल पर भण्डारण हेतु क्रय किये गये खनिज के ई0 एम0एम0 11 की मात्रा एवं भण्डारण स्थल पर भण्डारित बालू की मात्रा का सत्यापन कराया जाय तो अवैध खनन कर भण्डारण की पुष्टि की जा सकती है।

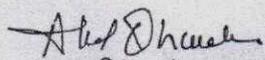
जनपद-प्रयागराज में करछना तहसील स्थित बसवार व मोहबतगंज खनन खण्डों से अवैध रूप से खनन कर ग्राम ठकुरी का पुरवा व नेवड़िया, मझियारी, कंजासा, कैनूआ, बिरवल आदि ग्रामों पर अवैध रूप से भण्डारित बालू के स्थल देखे जा सकते हैं जहां पर 5,000.00 घनमी0 से लेकर 2,00,000.00 घनमी0 तक अवैध रूप से बालू भण्डारित है।

जनपद-प्रयागराज में मेजा तहसील के अन्तर्गत भटौती, बंगलिया में स्थित पहाड़ियों से सैण्ड स्टोन की प्रतिदिन लगभग 200 से 400 ओवरलोड ट्रकों का परिवहन बिना वैध प्रपत्र के (अवैध परिवहन) लगातार जारी है पूर्व में निदेशक भूतत्व एवं खनिकर्म द्वारा आकस्मिक निरीक्षण के दौरान अवैध परिवहन प्रपत्र (फर्जी ई0 एम0एम0 11) परिवहन करते पाया गया था इस सम्बन्ध में दैनिक समाचार पत्र में प्रकाशित खबर की छाया प्रति एवं प्रयागराज-मिर्जापुर मार्ग पर ओवरलोड गिट्टी से लदे ट्रकों की फोटो संलग्न है।

अतः माननीय जी से अनुरोध है कि जनपद-प्रयागराज व प्रयागराज की सीमा से सटे जनपदों में बह रही यमुना नदी की जलधारा से हो रहे अवैध खनन व अवैध परिवहन से हो रहे पर्यावरण की अपूर्णीय क्षति को रोकने हेतु ठोस दिशा-निर्देश जारी करने एवं अवैध खनन से नदियों एवं पर्यावरण की क्षति का आंकलन कराते हुए क्षति पूर्ति हेतु आवश्यक दिशा-निर्देश एवं दोषियों के विरुद्ध उचित कठोर निषेधात्मक एवं वैधानिक कार्यवाही करने की कृपा करें जिससे पर्यावरण की हुई क्षति की भरपाई हो सके एवं पुनः ऐसे कृत्यों की पुनरावृत्ति न हो। आपकी अतिकृपा होगी।

दिनांक: /08/2020

भवदीय



अतुल सिंह चौहान  
(एडवोकेट)

मोबाइल: 9454600332

सूचना में,

श्रीमान् उपजिलाधिकारी महोदय

तहसील बारा, जनपद प्रयागराज

विषय - पट्टा धारको द्वारा ग्राम नौहिया, सेमरी एवं पण्डुआ से यमुना नदी से अवैध बालू खनन करने के सम्बंध में।

महोदय

सादर अवगत कराना है कि मेरे द्वारा भ्रमण के दौरान ज्ञात हुआ कि बालू पट्टाधारको द्वारा ग्राम नौहिया, सेमरी एवं पण्डुआ से यमुना नदी से नाव द्वारा चोरी छिपे अवैध बालू खनन किया जा रहा है तथा साथ ही साथ यह भी गिरफ्तारत मिल रही है कि नौहिया घाट के उस पार भी चोरी छिपे अवैध बालू खनन किया जा रहा है। इसके पूर्व में भी कई बार इस सम्बंध में रिपोर्ट प्रेषित की गयी है। परन्तु पट्टाधारको द्वारा अवैध बालू खनन पर पूर्ण रूप से प्रतिबन्ध नहीं किया जा रहा है तथा मेरे द्वारा अवैध परिचालन पर रोकथाम हेतु हरसम्भव प्रयास किया जा रहा है एवं समय समय पर उनके विरुद्ध मेरे द्वारा विधिक कार्यवाही भी की गयी है।

अतः श्रीमान् जी से निवेदन है कि अवैध खनन/परिवहन/यमुना नदी से बालू निकालने पर रोकथाम हेतु गठित सदस्य टीम को भेजकर आवश्यक कार्यवाही करने की कृपा करें।

रिपोर्ट सादर सेवा में प्रेषित है।

  
13/5/19  
थानाध्यक्ष

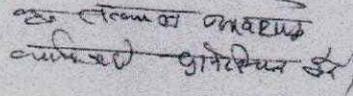
थाना - लालापुर

जनपद - प्रयागराज

प्रतिलिपि:-

- 1- श्रीमान् ADM प्रशासन महोदय प्रयागराज
- 2- श्रीमान् क्षेत्राधिकारी महोदय बारा प्रयागराज
- 3- श्रीमान् पुलिस अधीक्षक यमुनापार प्रयागराज
- 4- श्रीमान् जिला खनन अधिकारी महोदय प्रयागराज

S DM बारा

  
गोपाल सिंह

26/5/19

दैनिक प्रभात  
11 अक्टूबर 2010  
नगर संस्करण  
₹ 10  
₹ 12  
www.dainik.com

# दैनिक

आज का दिन: शुक्रवार 11 अक्टूबर 2010

विश्व	अफ्रीका	एशिया	भारत
₹ 16,84,574	₹ 4,83,603	₹ 1,57,022	₹ 7,54
₹ 1,02,058	₹ 17,876	₹ 15,843	₹ 24
₹ 3,75,221	₹ 25,937	₹ 55,668	₹ 67

**हैल्थलाइन नंबर**  
 24 घंटे की हेल्थ लाइन नंबर  
 108-108-108-108  
 108-108-108-108  
 108-108-108-108  
 108-108-108-108

## वालू लदे ट्रैक्टर की चपेट में 262 आन से सिपाही की हुई मौत

राजधानी दिल्ली में एक ट्रैक्टर की चपेट में आने से सिपाही की हुई मौत का शोक व्यक्त करने के लिए दिल्ली पुलिस ने एक शोक संदेश जारी किया है। शोक संदेश में कहा गया है कि पुलिस के एक सिपाही की मौत का शोक व्यक्त करने के लिए पुलिस ने एक शोक संदेश जारी किया है। शोक संदेश में कहा गया है कि पुलिस के एक सिपाही की मौत का शोक व्यक्त करने के लिए पुलिस ने एक शोक संदेश जारी किया है।



**सिपाही 20-21 घंटे काम कर से भी अतिरिक्त वेतन के बिना**

दिल्ली पुलिस के सिपाहियों को 20-21 घंटे काम करने के लिए अतिरिक्त वेतन के बिना काम कराने का फैसला किया गया है। यह फैसला दिल्ली पुलिस अधीक्षक के आदेश पर किया गया है।

## तब्लीगियों के का

राजधानी दिल्ली में एक दिन में 183 न

दिल्ली में तब्लीगी जमात के सदस्यों के एक दिन में 183 नए सदस्यों का नामांकन किया गया है। यह नामांकन दिल्ली में तब्लीगी जमात के सदस्यों के एक दिन में 183 नए सदस्यों का नामांकन किया गया है।



## आवंटित खंड से बाहर मानक के विपरीत खनन पर होगी कार्रवाई

राजधानी क्षेत्र के भेदपुर ठसवाई कानूनी घाट पर जिलाधिकारी गुनिश अशोक ने मारा छापा



राजधानी क्षेत्र के भेदपुर ठसवाई कानूनी घाट पर जिलाधिकारी गुनिश अशोक ने मारा छापा। जिलाधिकारी गुनिश अशोक ने मारा छापा। जिलाधिकारी गुनिश अशोक ने मारा छापा।

राजधानी क्षेत्र के भेदपुर ठसवाई कानूनी घाट पर जिलाधिकारी गुनिश अशोक ने मारा छापा। जिलाधिकारी गुनिश अशोक ने मारा छापा। जिलाधिकारी गुनिश अशोक ने मारा छापा।

राजधानी क्षेत्र के भेदपुर ठसवाई कानूनी घाट पर जिलाधिकारी गुनिश अशोक ने मारा छापा। जिलाधिकारी गुनिश अशोक ने मारा छापा। जिलाधिकारी गुनिश अशोक ने मारा छापा।

## खामा में ससुराल गए युवक ने युवती से किया दुष्कर्म

फतेहपुर: भारतपुर को किया गया र

फतेहपुर: भारतपुर को किया गया र

फतेहपुर: भारतपुर को किया गया र

**अवैध खनन में आधा दर्जन अफसरों पर लटकी तलवार**

फर्जी खनन पर गिरफ्तार

**शाहिन ने बुजुर्ग महिला को लगाया चुन**

**फर्जी गोल्डेन क**

दिल्ली में अवैध खनन के मामले में आधा दर्जन अफसरों पर लटकी तलवार। फर्जी खनन पर गिरफ्तार। शाहिन ने बुजुर्ग महिला को लगाया चुन। फर्जी गोल्डेन क...

कार्यालय अधिशासी अभियन्ता  
बाढ़ कार्य खण्ड, प्रयागराज

पत्रांक /बाकाख.प्रया./ लीलापुर बांध /

दिनांक, 21/5/19

विषय:- गंगा नदी के बायें तट पर स्थित लीलापुर बांध को क्षतिग्रस्त करने के संबंध में।

**धानाध्यक्ष, सरायइनायत, प्रयागराज।**

उपरोक्त विषयक के संबंध में अवगत कराना है कि लीलापुर कटान निरोधक कायां हेतु बनाये गये लीलापुर बांध को आरजक तत्वों द्वारा बालू खनन कर ले जाने हेतु काट दिया गया है। जिससे बाढ़ के समय गंगा नदी में बहाव व कटान के कारण बांध को खतरा बढ़ गया है तथा बांध के टूट जाने पर पानी गांव में प्रवेश कर जायेगा, जिससे जन धन की हानि होने का सम्भावना है।

अतः उक्त के संबंध में गम्भीरता पूर्वक ध्यान देते हुये जो लोग बालू निकाल रहे हैं उनके विरुद्ध दण्डात्मक कार्यवाही करने का कष्ट करे, जिससे बांध सुरक्षित हो सके।

अधिशासी अभियन्ता  
बाढ़ कार्य खण्ड, प्रयागराज

पत्रांक 941 /बाकाख.प्रया./ लीलापुर बांध /तदिनांक,

- 1- प्रतिलिपि जिलाधिकारी को सादर सूचनाार्थ प्रेषित है।
- 2- प्रतिलिपि जिला खनन अधिकारी, प्रयागराज को इस अनुरोध के साथ प्रेषित है कि अपने स्तर से उचित कार्यवाही करने का कष्ट करें।
- 3- प्रतिलिपि उपजिलाधिकारी, फूलपुर, प्रयागराज को इस आशय से प्रेषित है कि उक्त के संबंध में आवश्यक कार्यवाही करने का कष्ट करें।

अधिशासी अभियन्ता  
बाढ़ कार्य खण्ड, प्रयागराज  
21/5/19

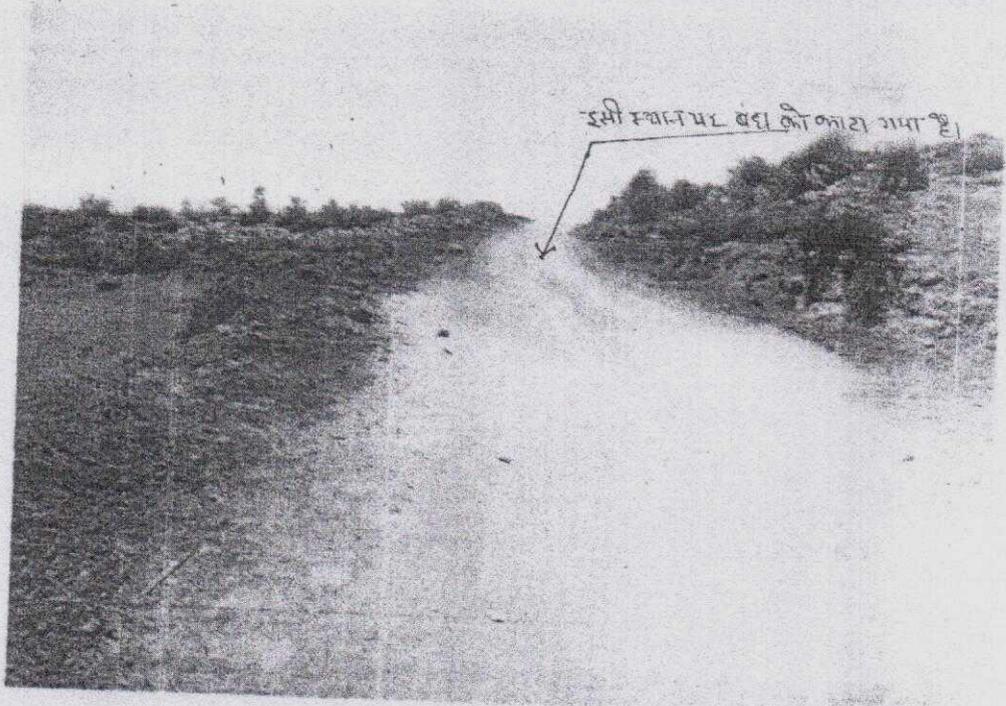
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MJ/19/5/19

क. एच. वी. प्रजापति  
बाढ़ कार्य खण्ड, प्रयागराज

ज्येष्ठ खान अधिकारी  
प्रयागराज

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डा. अजय कुमार

विधायक, बारा

बारा 264

प्रयागराज।



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105

क-6 No. 013424

सेवा में,

माननीय मुख्यमंत्री जी

उत्तर प्रदेश सरकार,

लखनऊ।

विषय-बालू खनन एवं अवैध परिवहन ओवरलोड ट्रकों की वसूली में राजस्व - भारी पैमाने पर क्षति पहुँचाने के संबंध में।

भूतल एवं खनिकर्म विभाग  
उ० प्र० शासन

महोदय,

सादर संलग्न पत्र के साथ अनुरोध है कि प्रयागराज के मेरे विधानसभा-बारा क्षेत्र में खनन माफियाओं को जिलाधिकारी द्वारा अनुचित लाभ दिलाया जा रहा है, रात में चोरी से अवैध खनन एवं अवैध परिवहन ट्रकों, ट्रैक्टर को ओवरलोडिंग लगातार चल रही है। प्रशासन की सह पर पास कराकर मोटी रकम कमाई की जा रही है जिससे रोड भी क्षतिग्रस्त हो रही है एवं बिना रचना (प्रपत्र-सी) की गाड़ियों को पास कराया जा रहा है। जिससे राजस्व की भारी पैमाने पर क्षति हो रही है। जबकि विधान सभा के आसपास करीब 1200 गरीब परिवारों के खिलाफ खनन अधिनियम को विग्नन धाराओं में मुकदमा पंजीकृत करके उन्हें डराया धमकाया जा रहा है। इनमें कई ऐसे लोगों के खिलाफ उक्त अधिनियम में मुकदमा पंजीकृत है। जिसकी मृत्यु कई वर्ष पूर्व हो गई है। तथा हेर सारे छात्रों के खिलाफ मुकदमा पंजीकृत किया गया है। जो अभी शिक्षण-संस्थाओं में अध्ययनरत है। दिनांक-20-10-2019 को शायं लगभग 05 बजे उप जिलाधिकारी बारा एवं धूरपुर के प्राचार्य के साथ भीटा ग्राम सभा में सुजावन देव पर मेले के तैयारी के संदर्भ में जानकारी लेने जा रहा था तभी भीटा ग्रामसभा के पास लोगो ने रोककर मुझे तथा उप जिलाधिकारी महोदय जी को अवैध रूप से बेरियर लगाकर वसूली कर रहे लोगो के खिलाफ जानकारी दी जिस पर उप जिलाधिकारी ने खनन इन्चार्ज को फोन किया तो खनन अधिकारी ने वहाँ पर किसी प्रकार का बेरियर न होने के बारे में बात कही। स्थानीय ग्रामीणों द्वारा व मेरे द्वारा स्वयं थाने पर खनन इन्चार्ज को बुलाया गया जिससे माफियाओं के खिलाफ मुकदमा पंजीकृत किया जा सके। उप जिलाधिकारी बारा के बुलाने पर खनन अधिकारी धूरपुर थाने पर नहीं आये और खनन अधिकारी ने बताया कि जिलाधिकारी ने उसे वहाँ आने पर और मुकदमा दर्ज कराने के लिए रोक दिया है। जिसके उपरान्त मैंने स्वयं अपने मोबाइल से जिलाधिकारी महोदय को मोबाइल पर खनन अधिकारी

डा0 अजय कुमार

विधायक, भाजपा  
बारा 264  
प्रयागराज।



क-6 No. 013426

एवं अन्य अधिकारियों को मौके पर भेजने के लिए कहा, किन्तु जिलाधिकारी ने स्पष्ट मना करते हुये मेरे उपर ही आरोप लगाने लगे। जिससे यह प्रतीत होता है कि जिलाधिकारी के संरक्षण में बालू माफियाओं का गोरखधन्धा चल रहा है। जबकि स्थानीय विधानसभा के गरीब निवासियों के बारे में मेरे बार-बार कहने पर भी उन पर लगा गुण्डा एक्ट रैगिस्टर व खनन अधिनियम के अनेक धाराओं में गलत तरीके से मुकदमा पंजीकृत करके उन्हें परेशान किया जा रहा है। इसकी जांच कराकर समाप्त कराने के अनुरोध पर आज तक कोई भी कार्यवाही नहीं की गई। मृत व्यक्ति की मृत्यु प्रमाण पत्र भी संलग्न है। पत्र के साथ माफियाओं द्वारा रसीद छपवाकर जबरदस्ती ट्रक-ट्रैक्टर आदि से अवैध धन उगाही की जा रही है। जिसकी छायाप्रति संलग्न है, जिससे राजस्व की भारी क्षति हो रही है।

अतः आपसे अनुरोध है कि उपरोक्त तथ्यों को दृष्टिगत रखते हुये जनहित में गोपनीय एवं उच्च स्तरीय जांच कराकर गरीबों के साथ न्याय एवं बालू माफियाओं के साथ संलिप्त अधिकारियों के खिलाफ आवश्यक दण्डात्मक कार्यवाही करने की कृपा करें। जिससे सरकार और आपकी छवि धूमिल करने वालों का मनोबल गिर सके। मेरे उपर विधानसभा की जनता का ऐसे उपरोक्त लोगों के खिलाफ दण्डात्मक कार्यवाही कराने का बहुत दबाव है। मुझे मजबूर होकर जिले प्रशासन के खिलाफ लोकतान्त्रिक कार्यवाही करनी पड़ रही है क्योंकि उक्त कार्यों के द्वारा राजस्व की भारी पैमाने पर क्षति पहुंचायी जा रही है।

सादर।

( डा0 अजय कुमार )  
विधायक, बारा  
प्रयागराज।

संलग्नक -

1. पूर्व में दिये गये अनुरोध की छायाप्रति।
2. समाचार पत्रों की छायाप्रति।
3. ओवरलोडिंग ट्रकों की छायाप्रति मीडिया द्वारा दी गयी 20.10.2019 की गयी वीडियोग्राफी की सीडी की प्रति।
4. अवैध वसूली की पर्ची की छायाप्रति।
5. स्थानीय ग्रामीणों द्वारा दिया गया शिकायती पत्र भी संलग्न है।



कार्यालय अधिशासी अभियन्ता  
रा0मा0 खण्ड-1, लो0नि0वि0, प्रयागराज।

2394  
MS/प्रतिस्थापक

108

पत्रांक  
सेवा में

दिनांक

सम्भागीय परिवहन अधिकारी  
प्रयागराज/प्रतापगढ़/कौशाम्बी।

प्रयागराज

विषय:- वाहनों के ओवरलोडिंग के कारण मार्गों को क्षतिग्रस्त होने से बचाने हेतु कार्यवाही सुनिश्चित कराने के सम्बन्ध में।

सन्दर्भ:- शासनादेश संख्या- 173(जी) इन्फ/2012-12इन्फ/2011 लखनऊ दिनांक 30 अगस्त 2012

महोदय,

उपरोक्त सन्दर्भित शासनादेश के क्रम में अवगत कराना है कि इस खण्ड के अधीन प्रयागराज, कौशाम्बी एवं प्रतापगढ़ जिले से गुजरने वाले समस्त राष्ट्रीय राजमार्गों यथा रा0मा0 संख्या- 35 (कबरई-बादा-प्रयागराज-मीरजापुर-वाराणसी मार्ग), रा0मा0 संख्या- 135सी (रामपुर-झमण्डगंज-वैढन मार्ग), एवं रा0मा0 संख्या- 731ए (गोहनगंज-श्रृंगवेरपुर-दिव्रकूट मार्ग) तथा रा0मा0 संख्या- 330 (प्रयागराज-अयोध्या-बलरामपुर मार्ग) पर ओवरलोड मालवाहक वाहनों का अत्यधिक परिचालन हो रहा है।

जनपद प्रयागराज में मेजा तहसील के भटौती में पत्थर की खदानें हैं तथा बार तहसील के शंकरगढ़ में पत्थर एवं सिलिका सैण्ड की खदानें हैं, जहां से खनिज ट्रकों के द्वारा समस्त प्रदेश में एवं प्रदेश के बाहर भी पहुंचाया जाता है। इसी प्रकार जनपद कौशाम्बी में महेवाघाट में बालू/सैण्ड की खदानें हैं, जहां से खनिज ट्रकों के द्वारा समस्त प्रदेश में एवं प्रदेश के बाहर भी पहुंचाया जाता है। उपरोक्त स्थलों से प्रतीत होता है कि अनुमन्य भार से अधिक भार धारित लदे ट्रकों का परिचालन राजमार्गों पर आम दृश्य हो गया है। भटौती से रा0मा0 संख्या-35 व 135सी पर प्रयागराज जनपद में कोहडारघाट से होते हुए कमश: मेजा रोड चौराहे व रामपुर चौराहे के समीप राजमार्ग में प्रवेश करते हैं। इसी प्रकार सिलिका सैण्ड से लदे ट्रक कबरई-बादा-प्रयागराज-मीरजापुर-वाराणसी मार्ग (रा0मा0 सं-35) में शंकरगढ़ के पास से राजमार्ग में प्रवेश करते हैं। रा0मा0 संख्या-731ए पर महेवाघाट से बालू लदे हुए ओवरलोडेड ट्रक मूरतगंज तक मार्ग को क्षति पहुंचा रहे हैं।

उक्त तथ्य की पृष्टि मुख्य कार्यकारी अधिकारी, मेजा ऊजा निगम प्रा0 लिमिटेड प्रयागराज के पत्र सं0-एम0टी0पी0पी0/2018-19/13/649 दिनांक 13.03.2019 एवं मण्डलायुक्त प्रयागराज पत्र सं0-176/2019 दिनांक 20 मार्च 2019 के द्वारा भी हो रही है।

उपरोक्त खदानों पर ही वाहनों को अनुमन्य भार धारित सीमा के अन्दर भार धारण करने हेतु नियंत्रण किया जा सकता है। उपरोक्त राजमार्गों पर पहले से ही यातायात का अत्यधिक दबाव है एवं ओवरलोड वाहनों के अनाधिकृत परिचालन से मार्ग अनुमन्य समय (डिजाइन लाइफ) से पूर्व ही क्षतिग्रस्त हो जा रहे हैं। इस सम्बन्ध में क्षेत्रीय जनप्रतिनिधियों, जिलाधिकारी महोदयों एवं आम जनमानस द्वारा निरन्तर रोष प्रकट किया जा रहा है।

अतः अनुरोध है कि जनपद से गुजरने वाले उपरोक्त समस्त राजमार्गों पर ओवरलॉडिंग वाले वाहनों के तत्काल प्रभावी नियंत्रण स्थापित करने का कष्ट करें, जिससे मार्गों को समयपूर्व क्षरण से बचाया जा सके। शासकीय धनराशि के अपव्यय से बचा जा सके।

अधिसूचना अधिनियन्ता

रा०मा० खण्ड-1, लो०नि०वि०

प्रयागराज।

दिनांक 25-04-19

पत्रांक 498/LC

प्रतिलिपि-

1. आयुक्ता महोदय, प्रयागराज मण्डल, प्रयागराज को उनके पत्र संख्या- 176/पी०ए० दिनांक 20 मार्च 2015 के कम में सादर सूचनार्थ प्रेषित।
2. मुख्य अभियन्ता (रा०मा०), लो०नि०वि०, लखनऊ को उनके पत्र संख्या- 2811एन०एच०/94एन/15 दिनांक 16-05-2015 एवं 4802एन०एच०/94एन/15 दिनांक 07-07-2015 के कम में सादर सूचनार्थ प्रेषित।
3. अधीक्षण अभियन्ता, 18वां वृत्त (रा०मा०), लो०नि०वि०, प्रयागराज को सादर सूचनार्थ एवं इस अनुरोध के साथ प्रेषित कि मालवाहक वाहनों की ओवरलॉडिंग के विरुद्ध प्रभावी कार्यवाही कराने की कृपा करें।
4. जिलाधिकारी, प्रयागराज/प्रतापगढ़/कौशाम्बी को सादर सूचनार्थ एवं इस अनुरोध के साथ प्रेषित कि मालवाहक वाहनों की ओवरलॉडिंग के विरुद्ध प्रभावी कार्यवाही कराने की कृपा करें।
5. वरिष्ठ पुलिस अधीक्षक, प्रयागराज/प्रतापगढ़/कौशाम्बी को सादर सूचनार्थ एवं इस अनुरोध के साथ प्रेषित कि मालवाहक वाहनों की ओवरलॉडिंग के विरुद्ध प्रभावी कार्यवाही कराने की कृपा करें।
6. क्षेत्राधिकारी यातायात, प्रयागराज/प्रतापगढ़/कौशाम्बी को इस अनुरोध के साथ प्रेषित कि मालवाहक वाहनों की ओवरलॉडिंग के विरुद्ध प्रभावी कार्यवाही कराने का कष्ट करें।
7. र्वनिज अधिकारी, प्रयागराज को इस अनुरोध के साथ कि ओवरलॉडेड ट्रकों का नियन्त्रण खदान पर ही कराने का कष्ट करें।
8. समस्त सहायक अभियन्ता को सूचनार्थ प्रेषित।
9. अवर अभियन्ता (पा०) को रिकार्ड हेतु।

*Mannab*  
25/4/19  
अधिसूचना अधिनियन्ता  
रा०मा० खण्ड-1, लो०नि०वि०  
प्रयागराज।

