

OFFICE OF THE MONITORING COMMITTEE

Constituted by the Hon'ble National Green Tribunal in Original Application
No.360 of 2018 and other Environmental Issues of the State of Punjab
(Official Address: Tower No.5, 4th Floor, Forest Complex,
Sector 68, SAS Nagar) Tel. No. 0172-2298091
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To

The Registrar,
Hon'ble National Green Tribunal,
Faridkot House, Copernicus Marg,
New Delhi, Delhi 110001

No.CMC/2022/514
Dated: 4.1.2022

Subject: Report of the Monitoring Committee, constituted by the Hon'ble National Green Tribunal on various environment issues in the State of Punjab on the compliance of order dated 10.11.2021 of Hon'ble National Green Tribunal in OA no. 294 of 2021 in the matter of Singh Jindalpuria s/o Surjit Singh, Village Jindalpuria, Distt. Fatehgarh Sahib

.....

It is submitted that the complainant Singh Jindalpuria s/o Surjit Singh, Village Jindalpuria, Distt. Fatehgarh Sahib has filed complaint before the Hon'ble National Green Tribunal, which has been taken on record by the Hon'ble National Green Tribunal in terms of OA no. 294 of 2021. **The allegations made by the complainant in the complaint are mentioned as under:**

- i. **There is illegal excavation/mining of soil in the agricultural fields of village Bhallmajra and adjoining villages near Chanarthal in Distt. Fatehgarh Sahib due to which there is high loss of agriculture land and soil erosion and degrading the fertile agriculture land and top soil is being excavated upto level of 2-4 m from the road level in the different fields.**
- ii. **The movement of heavy tippers, trucks, JCB machines and cranes have damaged the link roads and pahies of above said villages and surrounding villages. These heavy tippers/trucks have caused potholes, broken concrete, sinkholes and many road cracks .**
- iii. **With the movement of heavy tippers, trucks, JCB machines and cranes, the following roads have been affected.**
 - ✓ **Bhallmajra to Sohagri link road**
 - ✓ **Bhallmajra to Tarkheri link road**
 - ✓ **Bhallmajra to Tohra link road**

The Hon'ble National Green Tribunal has considered the complaint and passed the detailed order dated 10.11.2021 in OA no. 294 of 2021, the operating para no. 3 and 4 of which are reproduced as under:

3. *In view of above, we consider it necessary to ascertain the factual position of compliance of environmental norms on the ground level. It is particularly necessary to ascertain whether mining is taking place, whether requisite EC and consents have been granted and whether*

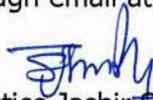
statutory authorities are maintaining vigil in the matter to enforce the rule of law and the environmental norms.

4. *Accordingly, we request the committee constituted by this Tribunal for certain environmental issues in the State of Punjab headed by Justice Jasbir Singh, Former Judge of Punjab & Haryana High Court to undertake a visit to the site with the assistance of other concerned regulatory authorities. The State PCB and District Magistrate, Fatehgarh Sahib may co-ordinate and facilitate such visit. The Committee may give its report in the matter with two months by e-mail at Judicial ngt@gov.in preferably in the form of searchable PDF / OCR support PDF and not in the form of image PDF.*

List for further consideration on 17/2/2022.

Therefore, in compliance to order dated 10.11.2021 in OA No. 294 of 2021, the Monitoring Committee has prepared its report and the same is enclosed herewith for kind consideration of the Hon'ble National Green Tribunal.

It is submitted that the above said report is sent herewith through email at judicial-ngt@gov.in.


(Justice Jasbir Singh)

Former Judge Punjab and Haryana High Court
and now as Chairman of the Monitoring Committee

Endst. No. CMC/2022/515

Dated: 4.1.2022

A copy of the above is forwarded to the Deputy Commissioner, Fatehgarh Sahib for information and necessary action please.

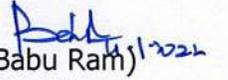

(Dr. Babu Ram)

Technical Expert
Monitoring Committee

Endst. No. CMC/2022/516

Dated: 4.1.2022

A copy of the above is forwarded to the Additional Deputy Commissioner (General), Fatehgarh Sahib for information and necessary action.


(Dr. Babu Ram)

Technical Expert
Monitoring Committee

Endst. No. CMC/2022/517

Dated: 4.1.2022

A copy of the above is forwarded to the Member Secretary, Punjab Pollution Control Board, Patiala for information and necessary action please.


(Dr. Babu Ram)

Technical Expert
Monitoring Committee

Endst. No. CMC/2022/518

Dated: 4.1.2022

A copy of the above is forwarded to the Environmental Engineer, Regional Office, Punjab Pollution Control Board, Patiala for information and necessary action please.

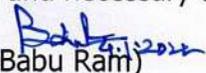

(Dr. Babu Ram)

Technical Expert
Monitoring Committee

Endst. No. CMC/2022/519

Dated: 5.1.2022

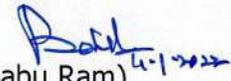
A copy of the above is forwarded to the Executive Engineer cum District Mining Officer, Department of Water Resources (Drainage), Patiala for information and necessary action.


(Dr. Babu Ram)
Technical Expert
Monitoring Committee

Endst. No. CMC/2022/520

Dated: 5.1.2022

A copy of the above is forwarded to the Executive Engineer, Department of PWD, B&R branch, Sirhind for information and necessary action.


(Dr. Babu Ram)
Technical Expert
Monitoring Committee

Report

of the

Monitoring Committee

in compliance to order dated 10.11.2021

in

OA no. 294/2021

in the matter of

**Singh Jindalpuria S/o Surjit Singh, Village
Jindalpuria, District Fatehgarh**

Vs

State of Punjab

**regarding excavation/mining of soil
in District Fatehgarh Sahib**

Submitted on:

5th January, 2022

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Report of the Monitoring Committee, constituted by the Hon'ble National Green Tribunal on various environment issues in the State of Punjab on the compliance of order dated 10.11.2021 of Hon'ble National Green Tribunal in OA no. 294 of 2021 in the matter of Singh Jindalpuria s/o Surjit Singh, Village Jindalpuria, Distt. Fatehgarh Sahib

1.0 Background

It is submitted that the complainant Singh Jindalpuria s/o Surjit Singh, Village Jindalpuria, Distt. Fatehgarh Sahib has filed complaint before the Hon'ble National Green Tribunal, which has been taken on record by the Hon'ble National Green Tribunal in terms of OA no. 294 of 2021. **The allegations made by the complainant in the complaint are mentioned as under:**

- i. **There is illegal excavation/mining of soil in the agricultural fields of village Bhallmajra and adjoining villages near Chanarthal in Distt. Fatehgarh Sahib due to which there is high loss of agriculture land and soil erosion and degrading the fertile agriculture land and top soil is being excavated upto level of 2-4 m from the road level in the different fields.**
- ii. **The movement of heavy tippers, trucks, JCB machines and cranes have damaged the link roads and pahies of above said villages and surrounding villages. These heavy tippers/trucks have caused potholes, broken concrete, sinkholes and many road cracks .**
- iii. **With the movement of heavy tippers, trucks, JCB machines and cranes, the following roads have been affected.**
 - ✓ **Bhallmajra to Sohagri link road**
 - ✓ **Bhallmajra to Tarkheri link road**
 - ✓ **Bhallmajra to Tohra link road**

The Hon'ble National Green Tribunal has considered the complaint and passed the detailed order dated 10.11.2021 in OA no. 294 of 2021, the operating para no. 3 and 4 of which are reproduced as under:

3. *In view of above, we consider it necessary to ascertain the factual position of compliance of environmental norms on the ground level. It is particularly necessary to ascertain whether mining is taking place, whether requisite EC and consents have been granted and whether statutory authorities are maintaining vigil in the matter to enforce the rule of law and the environmental norms.*
4. *Accordingly, we request the committee constituted by this Tribunal for certain environmental issues in the State of Punjab headed by Justice Jasbir Singh, Former Judge of Punjab & Haryana High Court to undertake a visit to the site with the assistance of other concerned regulatory authorities. The State PCB and District Magistrate, Fatehgarh Sahib may co-ordinate and facilitate such visit. The*

Re

Committee may give its report in the matter with two months by e-mail at Judicial nqt@gov.in preferably in the form of searchable PDF / OCR support PDF and not in the form of image PDF.

List for further consideration on 17/2/2022.

The copy of the order dated 10/11/2021 is annexed as per **Annexure-A**.

2.0 Action of the Monitoring Committee

In compliance to order dated 10/11/2021, as mentioned in the para no. 4 above, the Monitoring Committee sought the report from State Environment Impact Assessment Authority (SEIAA) vide letter no. CMC/SWM/PB/2021-469 dated 29/11/2021 regarding grant of environmental clearance to the illegal excavation sites of the area as mentioned above. In response to said letter, SEIAA, Punjab vide his office letter no. SEIAA/MS/2021/4904 dated 2/12/2021 (**Annexure-B**) has reported that as per the record of their office, neither any application for obtaining environmental clearance has been received nor any environmental clearance has been granted to the mining sites located in the revenue estate of Village Bhallmajra and adjoining villages of Distt. Fatehgarh Sahib.

Similarly, Punjab Pollution Control Board, Regional Office, Fatehgarh Sahib was requested vide Monitoring Committee letter no. CMC/2021/471 dated 29/11/2021 to submit the information as to whether the illegal excavation sites, as mentioned in the application, have been granted consent to operate under the Water Act, 1974 and Air Act, 1981. In response to said letter, Punjab Pollution Control Board, Regional Office, Fatehgarh Sahib has reported vide their office letter no. 4816 dated 2/12/2021 (**Annexure-C**) that as per the record of their office, no mining site of Village Bhallmajra and adjoining villages of Distt. Fatehgarh Sahib has been granted consent to operate under the Water Act, 1974 and Air Act, 1981 to carry out earth / sand mining.

The Monitoring Committee tried to contact the complainant and no one with the name as mentioned in complaint was found in the said village.

2.1 Visit to the soil excavation/ mining sites in agriculture fields of village Bhallmajra and adjoining villages near Chanarthal in District Fatehgarh Sahib by Monitoring Committee on 9.12.2021

 The Monitoring Committee alongwith District level officers of all the concerned departments of Distt. Fatehgarh Sahib visited the soil excavation/mining sites in agriculture fields of Village Bhallmajra and adjoining Villages on 9/12/2021 and the report is submitted as under:

2.1.1 Soil excavation/mining site in agriculture fields of Village Bhallmajra:

The Monitoring Committee alongwith other officers visited the soil excavation/mining sites in agriculture fields of Village Bhallmajra and observed that the soil upto the depth of about 3-4 feet has been found excavated. The villagers informed that the excavation of the soil in the agricultural fields was done about 10 years ago and the soil excavated from the said site was filled in the nearby agricultural fields having lower levels for their smoothening and make them agriculturable. The soil excavation has been done in an

area about 1.50 acres as informed by the Deptt. of Irrigation. Presently, wheat crop was found grown in the fields. The photographs showing the agricultural land of village Bhallmajra from where soil excavation/mining was done are mentioned as per **Plates-1 & 2:**



Plate-1



Plate-2

Plates-1& 2: Photographs showing the agricultural land of village Bhallmajra from where soil excavation/mining was done

2.1.2 Soil excavation/mining site in agriculture fields of Village Sohagri:

The Monitoring Committee alongwith other District level officers visited the soil excavation/mining site in agriculture fields of village Sohagri and observed that the soil upto the depth of about 3-4 feet has been found excavated. Sh. Pargat Singh, owner of the land and Sarpanch of the village Sohagri informed that the excavation of the soil in the agricultural fields was done 3 months back and it has been done in 4 acres of land. It was claimed that the excavated soil has been used to fill the nearby agricultural fields having lower level to make them smooth and agriculturable. The photographs showing the agricultural land of village Sohagri from where soil excavation/mining was done are mentioned as per **Plates-3 & 4:**



Plate-3

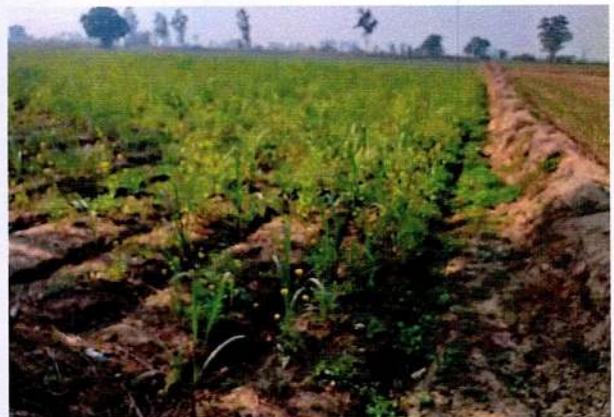


Plate-4

Plates-3&4: Photographs showing the agricultural land of village Sohagri from where soil excavation/mining was done

On the day of visit to the soil excavation / mining sites in agriculture fields, the officers of department of irrigation could not show any rules/notification/policy w.r.t legality of excavation of soil/earth from the fields and using the same for levelling their another fields.

2.1.3 Conditions of the link roads:

In the complaint, it has been mentioned that link roads of the following areas have been affected due to the movement of the heavy vehicles and machinery used during illegal excavation of the soil of agricultural fields of Village Bhallmajra and adjoining villages:

- i) Bhallmajra to Sohagri link road
- ii) Bhallmajra to Tarkheri link road
- iii) Bhallmajra to Tohra link road

The Monitoring Committee while coming back from Village Sohagri after visiting the soil excavated site of village Sohagri on 9.12.2021, observed that the condition of Bhallmajra to Sohagri road was almost in good condition.

For the condition of other roads i.e. Bhallmajra to Tarkheri road and Bhallmajra to Tohra Link road, the Monitoring Committee desired that the concerned department i.e. Mandi Board may certify about the conditions of the said roads.

2.1.4 Assessment of damage caused to the roads by the vehicles and machinery used for carrying the earth/soil from the land of other villages in Distt. Fatehgarh Sahib by the contractors/ agencies engaged in construction work of National Highway and Railway bridge and recovery of cost of damage:

During the visit the soil excavation / mining site of agriculture fields of said villages, it was informed to the Monitoring Committee that lot of earth/soil removed from the land of other villages of Distt. Fatehgarh Sahib has been carried out by the contractors / agencies engaged in the construction work of National Highway and railway bridge and due to said activities, some of the roads in the area have been damaged. Mining officer confirmed that the earth/soil removed from other villages for construction of highways and railway bridge was after getting proper permission and payment of the royalty. However, District Authority may get assess the damage caused to the roads due to movement of vehicles and machinery used for carrying earth/soil from the land of other villages of Distt. Fatehgarh Sahib to the construction sites and the concerned authorities / agencies i.e NHAI and Department of railway may be issued recovery notice for recovery of damage caused to the roads within 15 days and the same may be recovered from said authorities.

The report on visit to the soil excavation/ mining sites in agriculture fields of village Bhallmajra and adjoining villages near Chanarthal in District Fatehgarh Sahib by Monitoring Committee on 9.12.2021 was sent to the Deputy Commissioner, Fatehgarh Sahib vide no. CMC/2021/481 dated 13.12.2021 under intimation to the concerned authorities. The directions given by the Monitoring Committee to the various departments are mentioned as under:

- i) **The Deptt. of Irrigation may submit the report / data on the following points within 15 days.**
 - a) **Assessment of the area of agricultural fields of village Bhallmajra, Sohagri and adjoining villages in Distt. Fatehgarh Sahib, where soil/earth excavation of agricultural fields has been done.**

- b) Measurement of actual depth upto which, excavation of soil/earth in agricultural fields has been done.
- c) Assessment / measurement of quantity of soil/earth excavated from the agricultural fields of the said villages.
- d) The provisions as mentioned in the Punjab Minor Minerals Rules, 2013/notification/policy w.r.t excavation/mining of soil/earth from agriculture fields may be checked and submit the report as to whether mining/excavation of soil/earth from agriculture fields is legal or otherwise.

In case, it is confirmed by the Department of Mining (Department of Irrigation) that the said activity is illegal, the said department may submit the report on the following points within 15 days.

- The status of legal action taken against the defaulting persons engaged in excavation/mining of soil in the agricultural fields illegally.
 - Whether the cost of the soil excavated/mined illegally from the defaulting persons has been recovered, if so, the details may be submitted.
 - The damage caused to the environment due to illegal excavation/mining of soil from the agricultural fields of village Bhallmajra and adjoining villages of Distt. Fatehgarh Sahib may be calculated based on the formula / methodology as mentioned in para no. 10 and 11 of order dated 26/2/2021 in O.A. no. 360 of 2015 in the matter of National Green Tribunal Bar Association V/s Virender Singh (State of Gujarat). The said assessment may be done in association with Punjab Pollution Control Board, Regional Office, Fatehgarh Sahib.
- ii) Tehsildar Fatehgarh Sahib shall check the record w.r.t ownership of the agricultural fields of village Bhallmajra and adjoining villages of Distt. Fatehgarh Sahib and their khasra no. from which the soil/earth has been excavated/mined from the revenue record for the last 5 years and submit the report to the Monitoring Committee within 15 days.
 - iii) Mandi Board shall submit the report regarding conditions of the following link roads:
 - a) Bhallmajra to Sohagri link road
 - b) Bhallmajra to Tarkheri link road
 - c) Bhallmajra to Tohra link road
 - iv) District Administration, Fatehgarh Sahib shall get assess the damage caused to the roads due to movement of vehicles and machinery used for carrying soil/earth from the land of other villages of Distt. Fatehgarh Sahib to the construction sites and the concerned authorities / agencies i.e NHA and Railway authorities may be issued recovery notice for recovery of damage caused to the roads within 15

days and cost of damage caused to the roads may be recovered from the said authorities.

The report on visit to the soil excavation / mining sites of said villages on 9.12.2021 is annexed as per **Annexure-D**

2.2 Review of the action taken by the various departments on the directions given by the Monitoring Committee during its visit to the soil excavation / mining sites of agriculture fields of village Bhallmajra and other adjoining villages on 9.12.2021 in the meeting held on 28.12.2021

In order to review the action taken on the directions given by the Monitoring Committee to the various departments during its visit to the soil excavation / mining sites of agriculture fields of village Bhallmajra and adjoining villages on 9.12.2021, the meeting was held under the Chairmanship of the Justice Jasbir Singh, Former Judge, Punjab & Haryana High Court and now as Chairman of the Monitoring Committee on 28.12.2021 and action taken by the various departments concerning to the matter was reviewed as under:

2.2.1 Deptt. of Irrigation (mining department)

- **Assessment of the area, actual depth and quantity of soil / earth excavated from the agriculture fields of village Bhallmajra and Sohagri in District Fatehgarh Sahib where soil / ordinary earth excavation in agriculture fields has been done.**

The Executive Engineer cum District Mining Officer, Dept. of Drainage, Patiala vide his office letter No. 1732 dated 24.12.2021 (**Annexure-E**) submitted the data w.r.t assessment of area, actual depth and quantity of soil / earth excavated from the agriculture fields of village Bhallmajra and Sohagri in District Fatehgarh Sahib, which is mentioned as under:

Sr. No	GPS Location	Area of mining	Depth of mining	Quantity of mined material
1	Village Bhallmajra (GPS Location 30.5524213, 76.3283351)	4087.6 m ²	0.5 ft	1120.68 MT
2.	Village Bhallmajra (GPS Location 30.5492022, 76.3202432)	408.76 m ²	2 ft	448.27 MT
3.	Village Bhallmajra (GPS Location 30.548305, 76.320931)	83.61 m ²	3 ft	137.54 MT
4.	Village Sohagri (GPS Location 30.5635220, 76.3292356)	5574 m ²	1.5 ft	4584.60 MT

Regarding illegal mining in the agriculture fields of village Bhallmajra and adjoining villages near Chanarthal, as alleged in the application filed by the applicant before the Hon'ble National Green Tribunal, it was informed that as per the provisions of the Punjab Minor Minerals Rules, 2013, the permission from the Mining Deptt. was required to be ascertained before excavating the soil from the agriculture fields and the said mining in these villages has been done without the permission of the deptt., therefore, notices in form 'R' (Recovery Notice) have been issued to the concerned persons.

The information w.r.t ownership of the agriculture fields, where excavation/mining has been done by the persons was sought from the Deptt. of Revenue vide their letter No. 707-09/1M-1 dated 5.7.2021, No. 654-52 dated 13.7.2021, No. 696-98 dated 20.7.2021, No. 1132-34 dated 20.9.2021 and No. 1549-51 dated 24.11.2021. The Revenue record in this regard has been received on 24.12.2021 and accordingly, notices in form R (recovery notice) has been issued on 6.12.2021 and 24.12.2021 to the concerned persons (**Annexures- F to I**). However, with regard to mining/ soil excavation in the agriculture fields of village Bhallmajra, which was done about 10 years ago, no record is available.

It was stated that all the notices issued in form R shall be finalized within 03 months after following due procedure on all the steps for finalizing these notices.

Further, it was submitted that the Government of Punjab vide its notification No. PB/OFC/2021/6271 dated 13.12.2021 (**Annexure-J**) has declared the manual excavation of ordinary earth and ordinary clay (other than Brick Earth) from an area not exceeding 2 acres and depth not exceeding 3 feet or both, as non mining activity.

2.2.2 Deptt. of PWD, B&R branch, Sirhind looking after the road construction works of villages of District Fatehgarh Sahib

The Executive Engineer, PWD, B&R, vide letter No. 6740 dated 22.12.2021 (**Annexure-K**) has reported that overloaded tippers/ trolleys carrying soil / ordinary earth are moving regularly on the following roads.

- i) **Bhallmajra to Sohagri link road**
- ii) **Bhallmajra to Tarkheri link road**
- iii) **Bhallmajra to Tohra link road**

It has been mentioned that the roads, as mentioned at i) and iii) above, have been repaired recently by laying PC layers. The road as mentioned at serial No. ii) above, has been repaired specially. Presently, no damage has been caused to these roads with the movement of overloaded tippers/ trolleys carrying soil on these roads. However, in near future, these roads may be damaged due to their regular movement on these roads.

2.2.3 Whereabout of complainant

During the visit to the soil excavation / mining sites in agriculture fields of village Bhallmajra and adjoining villages by the Monitoring Committee on 9.12.2021, the Monitoring Committee tried to contact the complainant and no one with the name as mentioned in complaint was found in the said village. However, District Development and Panchayat Officer was asked by the Monitoring Committee to identify and locate the complainant, who has made complaint in the matter.

Now, District Development and Panchayat officer vide his office letter No. 235 dated 24.12.2021 (Annexure-L) has reported that he has inquired about the whereabouts of the complainant in the case from the village Bhallmajra, Sohagri of District Fatehgarh Sahib and village Jindalpuria of District Patiala

from the public/ residents / Sarpanches / Panchayats and it was informed that no such person in the name of Singh Jindalpuria S/o Surjit Singh, Village Jindalpuria, District Fatehgarh Sahib, village Bhallmajra, Sohagri, Jindalpuria and surrounding villages is there.

2.2.4 Assessment of damage caused to the roads due to movement of vehicles and machinery used for carrying soil/ earth from the land of the other villages of District Fatehgarh Sahib by NHA and Railway authorities

Additional Deputy Commissioner (General), District Fatehgarh Sahib assured that assessment of damage caused to the roads due to movement of vehicles and machinery used for carrying soil/ earth from the land of the other villages of District Fatehgarh Sahib by NHA and Railway authorities shall be completed within 01 month.

2.2.5 Checking the record w.r.t ownership of the agricultural fields of village Bhallmajra and adjoining villages of Distt. Fatehgarh Sahib and their khasra no. from which the soil/earth has been excavated/mined from the revenue record for the last 5 years.

No record w.r.t ownership of the agricultural fields of village Bhallmajra and adjoining villages of Distt. Fatehgarh Sahib and their khasra no. from which the soil/earth has been excavated/mined from the revenue record for the last 5 years has been received.

It was assured that the said record may be made available within 15 days.

2.2.6 Assessment of the damage caused to the environment due to illegal excavation/mining of soil from the agricultural fields of village Bhallmajra and adjoining villages of Distt. Fatehgarh Sahib, if any, based on the formula / methodology as mentioned in para no. 10 and 11 of order dated 26/2/2021 in O.A. no. 360 of 2015 in the matter of National Green Tribunal Bar Association V/s Virender Singh (State of Gujarat)

The Deptt. of Irrigation has informed that the methodology mentioned for assessment of the damage caused to the environment due to illegal excavation/ mining, as mentioned in order dated 26.2.2021 in OA No. 360 of 2015, relates to sand mining case.

It was clarified that the order dated 26.2.2021 in OA No. 360 of 2015 is applicable irrespective of mining of sand or ordinary earth or stone mining. Therefore, the said assessment may be done in case the mining / excavation of soil in agriculture fields of village Bhallmajra and adjoining villages of District Fatehgarh Sahib has been done illegally.

It was assured that the assessment of the damage caused to the environment due to illegal excavation/mining of soil from the agricultural fields of village Bhallmajra and adjoining villages of Distt. Fatehgarh Sahib, if any, shall be done within 02 months.

The minutes of the meeting held with District Level Officers of concerned departments of District Fatehgarh Sahib on 28.12.2021 is annexed as per **Annexure-M**.

3.0 Conclusion and recommendations

Based on the visit to the site w.r.t complaint regarding illegal excavation/mining of soil in agriculture fields of village Bhallmajra, and other adjoining villages near Chanarthal in District Fatehgarh Sahib by the Monitoring Committee in the presence of officers of concerned departments on 9.12.2021 and the meeting held by the Monitoring Committee on 28.12.2021 with the District Level Officers of concerned departments of

District Fatehgarh Sahib to review the action taken on the report on the visit to the soil excavation / mining sites in the agriculture fields made on 9.12.2021, the Monitoring Committee has made the following conclusions and recommendations.

1. Excavation/mining of soil in the agriculture fields of village Bhallmajra and other adjoining villages near Chanarthal, District Fatehgarh Sahib

- i. **The Monitoring Committee has observed that soil excavation/mining in agriculture fields of village Bhallmajra, Sohagri and other adjoining villages have been found occurred. The villagers during the visit of the Monitoring Committee to the soil excavation/mining sites of agriculture fields on 9.12.2021 informed that the excavation of soil in agriculture fields of Bhallmajra was done 10 years ago and the soil excavated from the said site was filled in the nearby agriculture fields having lower levels for their smoothening and make them agriculturable. The soil excavation was found done in an area of about 1.5 acres as informed by the department of Irrigation. Presently, wheat crop was found grown in the fields.**
- ii. **Similarly, the Monitoring Committee along with other District Level Officers visited the soil excavation/mining sites in agriculture fields of villages Sohagri on 9.12.2021 and observed that the soil upto the depth of 3-4 feet has been found excavated. The owner of the land and the Sarpanch of village Sohagri informed that excavation of the soil in agriculture fields was done 03 months back and it was done in 4 acres of land. It was claimed that the excavated soil from the said site has been used to fill the nearby agriculture fields having lower level to make them smooth and agriculturable.**
- iii. **The department of Irrigation (mining department) vide its letter no. 1732 dated 24.12.2021 submitted the data w.r.t assessment of area, actual depth and quantity of soil / earth excavated from the agriculture fields of village Bhallmajra and Sohagri in District Fatehgarh Sahib, which is mentioned as under:**

Sr. No	GPS Location	Area of mining	Depth of mining	Quantity of mined material
1	Village Bhallmajra (GPS Location 30.5524213, 76.3283351)	4087.6 m ²	0.5 ft	1120.68 MT
2.	Village Bhallmajra (GPS Location 30.5492022, 76.3202432)	408.76 m ²	2 ft	448.27 MT
3.	Village Bhallmajra (GPS Location 30.548305, 76.320931)	83.61 m ²	3 ft	137.54 MT
4.	Village Sohagri (GPS Location 30.5635220, 76.3292356)	5574 m ²	1.5 ft	4584.60 MT

Regarding illegal mining in the agriculture fields of village Bhallmajra and adjoining villages near Chanarthal, as alleged in the application filed by the applicant before the Hon'ble National Green Tribunal, it was informed that as per the provisions of the Punjab Minor Minerals Rules, 2013, the permission from the Mining Deptt. was required to be ascertained before excavating the soil from the agriculture fields and the said mining in these villages has been done without the permission of the deptt., as such, notices in form 'R' (Recovery Notice) have been issued to the concerned persons.

The revenue record w.r.t ownership of agriculture fields, where soil excavation/mining in agriculture fields has been done without the permission of the department by the persons, has been received from the Department of revenue by the department of Irrigation (Mining department) on 24.12.2021 and accordingly, notices in form-R (Recovery notice) have been issued on 6.12.2021 and 24.12.2021 to the concerned persons and these form-R notices shall be finalized within 03 months.

Moreover, it was also submitted by the department that the Government of Punjab vide its notification No. PB/OFC/2021/6271 dated 13.12.2021 has declared the manual excavation of ordinary earth and ordinary clay (other than Brick Earth) from an area not exceeding 2 acres and depth not exceeding 3 feet or both, as non mining activity.

Therefore, the Monitoring Committee recommends / directs as under:

- ✓ The Deptt. of Irrigation (Mining Deptt.) shall decide notices issued in form R to the concerned persons, who have done mining/ excavation of soil/ ordinary earth in agriculture fields of village Bhallmajra and Sohagri without the permission of the department within 02 months.
- ✓ The deptt. of Irrigation and Punjab Pollution Control Board shall jointly calculate the cost of the damage caused to the environment in case of illegal mining of soil/ ordinary earth from the agriculture fields of village Bhallmajra and adjoining villages based on methodology mentioned in order dated 26.2.2021 in OA No. 360 of 2015 in the matter of National Green Tribunal Bar Association V/s Virender Singh (State of Gujarat) within 02 months.

2. Conditions of the link roads (Bhallmajra to Sohagri, Bhallmajra to Tarkheri and Bhallmajra to Tohra) as mentioned in the complaint

The Executive Engineer, PWD, B&R, vide letter No. 6740 dated 22.12.2021 (Annexure-N) has reported that overloaded tippers/ trolleys carrying soil / ordinary earth are moving regularly on the following roads.

- i. **Bhallmajra to Sohagri link road**
- ii. **Bhallmajra to Tarkheri link road**
- iii. **Bhallmajra to Tohra link road**

It has been mentioned that the roads, as mentioned at i) and iii) above, have been repaired recently by laying PC layers. The road as mentioned at serial No. ii) above, has been repaired specially. Presently, no damage has been caused to these roads with the movement of overloaded tippers/ trolleys carrying soil on these roads. However, in near future, these roads may be damaged due to their regular movement on these roads.

In view of the above, the Monitoring Committee recommends as under:

The Executive Engineer, PWD B&R branch, Sirhind shall check the quality status of the following 03 roads on monthly basis and in case any damage is caused due to movement of overloaded trucks/ trolleys/ tippers carrying soil/ ordinary earth or any other material, the cost of damage caused to these roads may be imposed on the defaulting persons/ agencies.

- ✓ **Bhallmajra to Sohagri link road**
- ✓ **Bhallmajra to Tarkheri link road**
- ✓ **Bhallmajra to Tohra link road**

3. Complainant's whereabouts

During the visit to the soil excavation / mining sites in agriculture fields of village Bhallmajra and adjoining villages by the Monitoring Committee on 9.12.2021, the Monitoring Committee tried to contact the complainant and no one with the name as mentioned in complaint was found in the said village. However, District Development and Panchayat Officer was asked by the Monitoring Committee to identify and locate the complainant, who has made complaint in the matter.

Now, District Development and Panchayat officer vide his office letter No. 235 dated 24.12.2021 (**Annexure-O**) has reported that he has inquired about the whereabouts of the complainant in the case from the village Bhallmajra, Sohagri of District Fatehgarh Sahib and village Jindalpuria of District Patiala from the public/ residents / Sarpanches / Panchayats and it was informed that no such person in the name of Singh Jundalpuria S/o Surjit Singh, Village Jindalpuria, District Fatehgarh Sahib, village Bhallmajra, Sohagri, Jindalpuria and surrounding villages is there.

4. Assessment of damage caused to the roads due to movement of vehicles and machinery used for carrying soil/ earth from the land of the other villages of District Fatehgarh Sahib by NHAI and Railway authorities.

During the visit of the Monitoring Committee to the soil excavation/mining sites in agriculture fields of the villages as mentioned in the complaint on 9.12.2021, it was informed that lot of earth/soil removed from the land of other villages of Distt. Fatehgarh Sahib has been carried out by the contractors / agencies engaged in the construction work of National Highway and railway bridge and due to said activities, some of the roads in the area have been damaged.

Mining officer confirmed that the earth/soil removed from other villages for construction of highways and railway bridge was after getting proper permission and

payment of the royalty. However, District Authority may get assess the damage caused to the roads due to movement of vehicles and machinery used for carrying earth/soil from the land of other villages of Distt. Fatehgarh Sahib to the construction sites and the concerned authorities / agencies i.e NHAI and Department of railway may be issued recovery notice for recovery of damage caused to the roads within 15 days and the same may be recovered from said authorities.

During the meeting of the Monitoring Committee with District Level Officers of District Fatehgarh Sahib held on 28.12.2021, Additional Deputy Commissioner (General), District Fatehgarh Sahib assured that assessment of damage caused to the roads due to movement of vehicles and machinery used for carrying soil/ earth from the land of the other villages of District Fatehgarh Sahib by NHAI and Railway authorities shall be completed within 01 month.

Accordingly, the Monitoring Committee directs/recommends as under:

District Administration, Fatehgarh Sahib shall get assess the damage caused to the roads due to movement of vehicles and machinery used for carrying soil/earth from the land of other villages of Distt. Fatehgarh Sahib to the construction sites and the concerned authorities / agencies i.e NHAI and Railway authorities may be issued recovery notice for recovery of damage caused to the roads within 01 month and cost of damage caused to the roads may be recovered from the said authorities.

5. Assessment of the damage caused to the environment due to illegal excavation/mining of soil from the agricultural fields of village Bhallmajra and adjoining villages of Distt. Fatehgarh Sahib, if any, based on the formula / methodology as mentioned in para no. 10 and 11 of order dated 26/2/2021 in O.A. no. 360 of 2015 in the matter of National Green Tribunal Bar Association V/s Virender Singh (State of Gujarat)

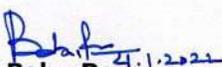
During the meeting of the Monitoring Committee held with District Level Officers of District Fatehgarh Sahib on 28.12.2021, the Deptt. of Irrigation has informed that the methodology mentioned for assessment of the damage caused to the environment due to illegal excavation/ mining, as mentioned in order dated 26.2.2021 in OA No. 360 of 2015, relates to sand mining case.

It was clarified that the order dated 26.2.2021 in OA No. 360 of 2015 is applicable irrespective of mining of sand or ordinary earth or stone mining. Therefore, the said assessment may be done in case the mining / excavation of soil in agriculture fields of village Bhallmajra and adjoining villages of District Fatehgarh Sahib has been done illegally.

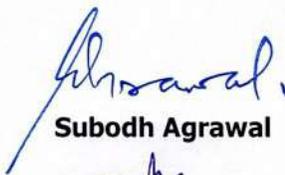
It was assured that the assessment of the damage caused to the environment due to illegal excavation/mining of soil from the agricultural fields of village Bhallmajra and adjoining villages of Distt. Fatehgarh Sahib, if any, shall be done within 02 months.

The Monitoring Committee recommends / directs to the concerned departments as under:

The deptt. of Irrigation and Punjab Pollution Control Board shall jointly calculate the cost of the damage caused to the environment due to illegal mining of soil/ ordinary earth from the agriculture fields of village Bhallmajra and adjoining villages, if any, based on methodology mentioned in order dated 26.2.2021 in OA No. 360 of 2015 in the matter of National Green Tribunal Bar Association V/s Virender Singh (State of Gujarat) within 02 months.


Dr. Babu Ram

sd/-
Sant Balbir Singh Seechewal


Subodh Agrawal

Justice Jasbir Singh,
Former Judge Punjab and Haryana
High Court and now as Chairman of
the Monitoring Committee

Item No. 04

(Court No. 1)

BEFORE THE NATIONAL GREEN TRIBUNAL

(By Video Conferencing)

Original Application No. 294/2021

Singh Jindalpuria, S/o Surjeet Singh
Village Jindalpur, Distt. Fatehgarh

Applicant

Versus

State of Punjab

Respondent

Date of hearing: 10.11.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Application is registered based on a complaint received by post

ORDER

1. Grievance in this application is against illegal mining at village Bhallmajra, near Chanarthal, a border village of District Fatehgarh Sahib, Punjab in connivance with the authorities of the District and the State. It is stated that heavy tipper, trucks, JCB machines and cranes are used in the course of mining.
2. Adverse impact of unscientific and unsustainable mining on environment is well acknowledged and regulatory regime exists to ensure that mining is sustainable, as per replenishment study and consent conditions as well as other environmental norms. This Tribunal has dealt with the issue of illegal mining inter alia vide order dated 26.02.2021 in OA No. 360/2015, *NGT Bar Association v. Virender Singh (State of Gujarat)* and other connected matters and directed as follows:

27. We direct all the States/UTs to strictly follow the SSMG-2016 read with EMGSM-2020 reinforced by mechanism for preparation of DSRs (in terms of directions of this Tribunal dated 14.10.2020 in Pawan Kumar, supra and 04.11.2020 in Rupesh Pethe, supra), Environment Management Plans, replenishment studies, mine closure plans, grant of EC (in terms of direction dated 13.09.2018 in Satendra Pandey, supra), assessment and recovery of compensation (as per discussion in Para 25), seizure and release of vehicles involved in illegal mining (in terms of order dated 19.02.2020 in Mushtakeem, supra), other safeguards against violations, grievance redressal, accountability of the designated officers and periodical review at higher levels. As already noted, EMGSM-2020 contemplates extensive use of digital technology, including remote sensing.

28. We further direct that periodic inspection be conducted by a five-members Committee, headed and coordinated by the SEIAA and comprising CPCB (wherever it has regional office), State PCB and two expert members of SEAC dealing with the subject. Where CPCB regional office is not available, if MoEF&CC regional office is available, its Regional Officer will be included in the Committee. Where neither CPCB nor MoEF&CC regional office exists, Chairman, SEIAA will tie up with the nearest institution of repute such as IIT to nominate an expert for being included in the Committee. Such inspection must be conducted at least thrice for each lease i.e. after expiry of 25% the lease period, then after 50% of the period and finally six months before expiry of the lease period for midway correction and assessment of damage, if any. The reports of such inspections be acted upon and placed on website of the SEIAA. Every lessee, undertaking mining, must have an environment professional to facilitate sustainable mining in terms of the mining plan and environmental norms. This be overseen by the SEIAA. Environment Departments may also develop an appropriate mobile App for receiving and redressing the grievances against the sand mining, including connivance of the authorities and also a mechanism to fix accountability of the concerned officers. Recommendations of the Oversight Committee for the State of UP quoted earlier may be duly taken into account.

The mechanism must provide for review at the level of the Chief Secretary at least once in every quarter, in a meeting with all concerned Departments in the State. The Chief Secretary UP may ensure further action in the light of the report of the Oversight Committee.

Similarly, at National level, such review needs to be conducted atleast once in a year by the Secretary, Environment in coordination with the Secretaries Mining and Jalshakti Ministries the CPCB.

29. We further direct all the States/UTs to publish their annual reports on the subject and such annual reports may be furnished to MoEF&CC by 30th April every year giving status till 31st March. First such report as on 31.03.2022 may be filed with the MoEF&CC by all the States/UTs on or before 30.04.2022. The report may also be simultaneously posted on the website of the Environment Department of the States/UTs. Based on such reports, MoEF&CC may consider supplementing its Guidelines from time to time. The MoEF&CC may prepare a consolidated report considering the reports from the States/UTs and publish its own report on the subject, preferably by 31st May every year.

30. We direct the Secretary MoEF&CC to convene a meeting in coordination with the CPCB and Mining and Jalshakti Ministries of Central Government and such other experts/individuals at National level and representatives of States within three months for inter-action on the subject which may be followed by such meetings being convened by the Chief Secretaries in all States in next three months. Holding of such meetings will provide clarity on enforcement strategies and help protection of environment.

All the applications are disposed of. Individual issues may be gone into in accordance with the mechanism to be involved as above."

3. In view of above, we consider it necessary to ascertain the factual position of compliance of environmental norms on the ground level. It is particularly necessary to ascertain whether mining is taking place, whether requisite EC and consents have been granted and whether statutory authorities are maintaining vigil in the matter to enforce the rule of law and the environmental norms.

4. Accordingly, we request the Committee constituted by this Tribunal for certain environmental issues in the State of Punjab headed by Justice Jasbir Singh, former Judge of Punjab and Haryana High Court to undertake a visit to the site with the assistance of other concerned regulatory authorities. The State PCB and District Magistrate, Fatehgarh Sahib may coordinate and facilitate such visit. The Committee may give its report in the matter with two months by e-mail at judicial-

ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

List for further consideration on 17.02.2022.

A copy of this order along with a copy of the complaint be forwarded to State PCB and District Magistrate, Fatehgarh Sahib by e-mail for compliance.

A copy of this order along with a copy of the complaint be also forwarded to Justice Jasbir Singh, former Judge of Punjab and Haryana High Court by e-mail.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. Nagin Nanda, EM

November 10, 2021
Original Application No. 294/2021
DV

Annexure-B

 सत्यमेव जयते	STATE LEVEL ENVIRONMENT IMPACT ASSESSMENT AUTHORITY PUNJAB Ministry of Environment, Forest & Climate Change, Government of India O/o Directorate of Environment & Climate Change MGSIPA Complex, Sector 26, Chandigarh-160019 seiaapb2017@gmail.com
No. SEIAA/MS/2021/ <u>4904</u>	Registered
	Date: <u>02/12/2021</u>

To

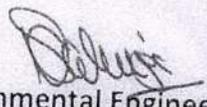
Dr. Babu Ram,
Technical Expert,
Office of The Monitoring Committee,
Tower No.5, 4th Floor, Forest Complex,
Sector 68, SAS Nagar.

Subject: For sending the record files relating to Environment Clearance granted to the Mining sites of village Bhallmajra & adjoining villages, Distt. Fatehgarh Sahib in compliance of order dated 10.11.2021 in OA No. 294 of 2021 in the matter of Singh Jindalpuria son of Sh. Surjeet Singh Vs State of Punjab.

Respected Sir,

In reference to your office letter No. CMC/SWM/PB/2021/469 dated 29.11.2021, it is intimated that as per record of this office, neither any application for obtaining Environmental Clearance has been received nor any Environmental Clearance has been granted to the mining site located in the revenue estate of Bhallmajra & adjoining village of District Fatehgarh Sahib.

This is for your kind information; please.


Environmental Engineer



Punjab Pollution Control Board

Regional Office, Fatehgarh Sahib
NISST Building, Opp. Floating Restaurant,
Mandi Gobindgarh

Phone no. 01763-242400

Dated: 2/12/21

No. 4876

To

The Technical Expert,
Monitoring Committee,
Tower no. 5, 4th Floor, Forest Complex,
Sector-68, SAS Nagar.

Subject: To send the record files to Environmental Clearance granted to the mining sites of Village Bhallmajra and adjoining Village, Distt. Fatehgarh Sahib in compliance of order dated 10/11/2021 in O.A. no. 294 of 2021 in the matter of Singh Jindalpuria son of Sh. Surjeet Singh V/s State of Punjab.

Ref: Your office endst no. CMC/2021/471 dated 29/11/2021.

With reference to subject cited matter, it is intimated that as per record of this office, no mining site of village Bhallmajra and adjoining villages of Distt. Fatehgarh Sahib has been granted consent to operate under the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 to carry out earth / sand mining. Moreover, no such record files are available in this office.

This is for your kind information please.

Endst No. 4819/.....

[Signature]
Environmental Engineer

Dated 2/12/21

A copy of the above is forwarded to Member Secretary, Punjab Pollution Control Board, Patiala for information please.

[Signature]
Environmental Engineer

OFFICE OF THE MONITORING COMMITTEE

Constituted by the Hon'ble National Green Tribunal in Original Application
No.360 of 2018 and other Environmental Issues of the State of Punjab
(Official Address: Tower No.5, 4th Floor, Forest Complex,
Sector 68, SAS Nagar) Tel. No. 0172-2298091
Email: cecswm606@gmail.com

To

The Deputy Commissioner,
Fatehgarh Sahib.

No. CMC/2021/481
Dated: 13.12.2021

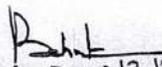
Subject: Report on visit to sites w.r.t complaint regarding illegal excavation/mining of soil in agriculture fields of village Bhallmajra and adjoining villages, Near Chanarthal in Distt. Fatehgarh Sahib by the Monitoring Committee under the Chairmanship of Justice Jasbir Singh, Former Judge, Punjab & Haryana High Court and now as Chairman of the Monitoring Committee in compliance to order dated 10/11/2021 in O.A. no. 294 of 2021 in the matter of Singh Jindalpuria s/o Surjit Singh, Village Jindalpuria, Distt. Fatehgarh Sahib on 9/12/2021.

.....

Please find enclosed herewith a report on visit to sites w.r.t complaint regarding illegal excavation/mining of soil in agriculture fields of village Bhallmajra and adjoining villages, Near Chanarthal in Distt. Fatehgarh Sahib by the Monitoring Committee under the Chairmanship of Justice Jasbir Singh, Former Judge, Punjab & Haryana High Court and now as Chairman of the Monitoring Committee in compliance to order dated 10/11/2021 in O.A. no. 294 of 2021 in the matter of Singh Jindalpuria s/o Surjit Singh, Village Jindalpuria, Distt. Fatehgarh Sahib on 9/12/2021, for your kind information and necessary action please.

It is requested that the concerned officer of Distt. Administration, Fatehgarh Sahib may be directed to convey the report on visit to sites w.r.t complaint regarding illegal excavation/mining of soil in agriculture fields of village Bhallmajra and adjoining villages, Near Chanarthal in Distt. Fatehgarh Sahib by the Monitoring Committee on 9.12.2021 to all the concerned departments. The concerned departments may be asked to submit the action taken report on the points relating to their departments within 10 days so as to enable the Monitoring Committee to submit its report to Hon'ble National Green Tribunal in compliance to the order dated 10/11/2021 in the subject cited case.

DA/-as above

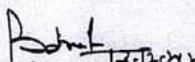

(Dr. Babu Ram) 13.12.2021
Technical Expert,
Monitoring/Executing Committee

Endst. No. CMC/2021/482

Dated: 13.12.2021

A copy of the above is forwarded to the Member Secretary, Punjab Pollution Control Board, Nabha Road, Patiala for information and necessary action. He is requested to ask the Environmental Engineer, Punjab Pollution Control Board, Regional Office, Fatehgarh Sahib to submit the action taken report on the points relating to Punjab Pollution Control Board within 10 days.

DA/-as above

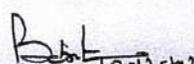

(Dr. Babu Ram) 13.12.2021
Technical Expert,
Monitoring/Executing Committee

Endst. No. CMC/2021/483

Dated: 13.12.2021

A copy of the above is forwarded to the Environmental Engineer, Punjab Pollution Control Board, Regional Office, Fatehgarh Sahib for information and necessary action please. It is requested that the action taken report on the points relating to Punjab Pollution Control Board may be submitted within 10 days.

DA/-as above

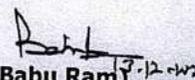

(Dr. Babu Ram) 13.12.2021
Technical Expert,
Monitoring/Executing Committee

Endst. No. CMC/2021/484

Dated: 13.12.2021

A copy of the above is forwarded to the Executive Engineer, Department of Water Resources, Nabha Road, Patiala for information and necessary action please. He is requested to submit the action taken report on the points relating to his department within 10 days.

DA/-as above

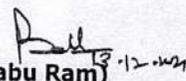

(Dr. Babu Ram)
Technical Expert,
Monitoring/Executing Committee

Endst. No. CMC/2021/485

Dated: 13.12.2021

A copy of the above is forwarded to the District Mandi Officer, Punjab Mandi Board, Fatehgarh Sahib for information and necessary action please. He is requested to submit the action taken report on the points relating to his department within 10 days.

DA/-as above

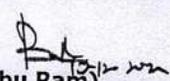

(Dr. Babu Ram)
Technical Expert,
Monitoring/Executing Committee

Endst. No. CMC/2021/486

Dated: 13.12.2021

A copy of the above is forwarded to the District Development and Panchayat Officer, Fatehgarh Sahib for information and necessary action please.

DA/-as above


(Dr. Babu Ram)
Technical Expert,
Monitoring/Executing Committee

Report on visit to sites w.r.t complaint regarding illegal excavation/mining of soil in agriculture fields of village Bhallmajra and adjoining villages, Near Chanarthal in Distt. Fatehgarh Sahib by the Monitoring Committee under the Chairmanship of Justice Jasbir Singh, Former Judge, Punjab & Haryana High Court and now as Chairman of the Monitoring Committee in compliance to order dated 10/11/2021 in O.A. no. 294 of 2021 in the matter of Singh Jindalpuria s/o Surjit Singh, Village Jindalpuria, Distt. Fatehgarh Sahib on 9/12/2021.

The following were present during the visit.

a) **Members of the Monitoring Committee**

Sr. No.	Name and Designation in the Deptt.	Name & Designation in the Committee
1.	Justice Jasbir Singh, Former Judge, Punjab and Haryana High Court	Chairman
2.	Sh. S.C. Agrawal, IAS, Former Chief Secretary, Punjab	Senior Member
3.	Sant Balbir Singh Seechewal	Member
4.	Dr. Babu Ram, Former Member Secretary, PPCB	Technical Expert

b) **The list of the officers, present during the visit, is as per Annexure-1**

1.0. Background:

The Chairman of the Monitoring Committee apprised the officers about the complaint regarding illegal excavation/mining of soil in the agricultural fields of village Bhallmajra and adjoining villages near Chanarthal in Distt. Fatehgarh Sahib made by Singh Jindalpuria s/o Surjit Singh, Village Jindalpuria, Distt. Fatehgarh Sahib with the Hon'ble National Green Tribunal, which has been considered by the Hon'ble Tribunal in terms of O.A. no. 294 of 2021 titled as Singh Jindalpuria s/o Surjit Singh, Village Jindalpuria, Distt. Fatehgarh Sahib V/s State of Punjab and has passed the detailed order dated 10/11/2021, the operating para no. 3 & 4 of which are reproduced as under:

- 3. In view of above, we consider it necessary to ascertain the factual position of compliance of environmental norms on the ground level. It is particularly necessary to ascertain whether mining is taking place, whether requisite EC and consents have been granted and whether statutory authorities are maintaining vigil in the matter to enforce the rule of law and the environmental norms.*
- 4. Accordingly, we request the committee constituted by this Tribunal for certain environmental issues in the State of Punjab headed by Justice Jasbir Singh, Former Judge of Punjab & Haryana High Court to undertake a visit to the site with the assistance of other concerned regulatory authorities. The State PCB and District Magistrate, Fatehgarh Sahib may co-ordinate and facilitate such visit. The Committee may give its report in the*

matter with two months by e-mail at Judicial nqt@gov.in preferably in the form of searchable PDF / OCR support PDF and not in the form of image PDF.

List for further consideration on 17/2/2022.

The copy of the order dated 10/11/2021 is annexed as per **Annexure-1**.

Based on the order dated 10/11/2021 as mentioned in the para no. 3 above, the Monitoring Committee sought the report from State Environment Impact Assessment Authority (SEIAA) vide letter no. CMC/SWM/PB/2021-469 dated 29/11/2021 regarding grant of environmental clearance to the illegal excavation sites of the area as mentioned above. In response to said letter, SEIAA, Punjab vide his office letter no. SEIAA/MS/2021/4904 dated 2/12/2021 (**Annexure-2**) has reported that as per the record of their office, neither any application for obtaining environmental clearance has been received nor any environmental clearance has been granted to the mining sites located in the revenue estate of Village Bhallmajra and adjoining villages of Distt. Fatehgarh Sahib.

Similarly, Punjab Pollution Control Board, Regional Office, Fatehgarh Sahib was requested vide Monitoring Committee letter no. CMC/2021/471 dated 29/11/2021 to submit the information as to whether the illegal excavation sites, as mentioned in the application, have been granted consent to operate under the Water Act, 1974 and Air Act, 1981. In response to said letter, Punjab Pollution Control Board, Regional Office, Fatehgarh Sahib has reported vide their office letter no. 4816 dated 2/12/2021 (**Annexure-3**) that as per the record of their office, no mining site of Village Bhallmajra and adjoining villages of Distt. Fatehgarh Sahib has been granted consent to operate under the Water Act, 1974 and Air Act, 1981 to carry out earth / sand mining.

The Monitoring Committee tried to contact the complainant and no one with the name as mentioned in complaint was found in the said village.

2.0. Visit to the soil excavation/mining sites in agriculture fields of village Bhallmajra and adjoining villages of Distt. Fatehgarh Sahib:

The Monitoring Committee alongwith District level officers of all the concerned departments of Distt. Fatehgarh Sahib visited the soil excavation/mining sites in agriculture fields of Village Bhallmajra and adjoining Villages on 9/12/2021 and the report is submitted as under:

2.1. Soil excavation/mining site in agriculture fields of Village Bhallmajra:

The Monitoring Committee alongwith other officers visited the soil excavation/mining sites in agriculture fields of Village Bhallmajra and observed that the soil upto the depth of about 3-4 feet has been found excavated. The villagers informed that the excavation of the soil in the agricultural fields was done about 10 years ago and the soil excavated

from the said site was filled in the nearby agricultural fields having lower levels for their smoothening and make them agriculturable. The soil excavation has been done in an area about 1.50 acres as informed by the Deptt. of Irrigation. Presently, wheat crop was found grown in the fields. The photographs showing the agricultural land of village Bhallmajra from where soil excavation/mining was done are mentioned as per **Plates-1 & 2:**



Plate-1

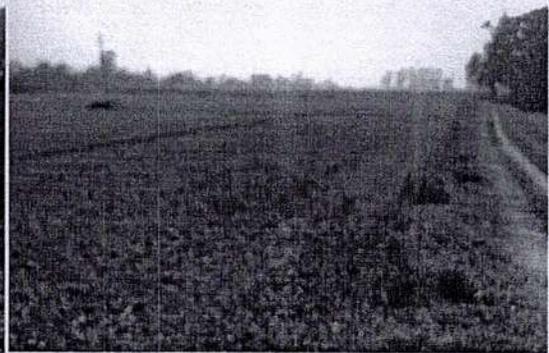


Plate-2

Plates-1& 2: Photograph showing the agricultural land of village Bhallmajra from where soil excavation/mining was done

2.2. Soil excavation/mining site in agriculture fields of Village Sohagri:

The Monitoring Committee alongwith other District level officers visited the soil excavation/mining site in agriculture fields of village Sohagri and observed that the soil upto the depth of about 3-4 feet has been found excavated. Sh. Pargat Singh, owner of the land and Sarpanch of the village Sohagri informed that the excavation of the soil in the agricultural fields was done 3 months back and it has been done in 4 acres of land. It was claimed that the excavated soil has been used to fill the nearby agricultural fields having lower level to make them smooth and agriculturable. The photographs showing the agricultural land of village Sohagri from where soil excavation/mining was done are mentioned as per **Plates-3 & 4:**

R1



Plate-3



Plate-4

Plates-3&4: Photograph showing the agricultural land of village Sohagri from where soil excavation/mining was done

The officers of department of Irrigation could not show any rules/notification/policy w.r.t legality of excavation of soil/earth from the fields and using the same for levelling their another fields.

3.0 Conditions of the link roads:

In the complaint, it has been mentioned that link roads of the following areas have been affected due to the movement of the heavy vehicles and machinery used during illegal excavation of the soil of agricultural fields of Village Bhallmajra and adjoining villages:

- i) Bhallmajra to Sohagri link road
- ii) Bhallmajra to Tarkheri link road
- iii) Bhallmajra to Tohra link road

The Monitoring Committee while coming back from Village Sohagri after visiting the soil excavated site of village Sohagri, observed that the condition of Bhallmajra to Sohagri road was almost in good condition.

For the condition of other roads i.e. Bhallmajra to Tarkheri road and Bhallmajra to Tohra Link road, the Monitoring Committee desired that the concerned department i.e. Mandi Board may certify about the conditions of the said roads.

4.0 Assessment of damage caused to the roads by the vehicles and machinery used for carrying the earth/soil from the land of other villages in Distt. Fatehgarh Sahib by the contractors/ agencies engaged in construction work of National Highway and Railway bridge and recovery of cost of damage:

It was informed to the Monitoring Committee that lot of earth/soil removed from the land of other villages of Distt. Fatehgarh Sahib has been carried out by the contractors / agencies engaged in the construction work of National Highway and railway bridge and due to said activities, some of the roads in the area have been damaged. Mining officer confirmed that the earth/soil removed from other villages for construction of highways and railway bridge was after getting proper permission and payment of the royalty. However, District Authority may get assess the damage caused to the roads due to movement of vehicles and machinery used for carrying earth/soil from the land of other villages of Distt. Fatehgarh Sahib to the construction sites and the concerned authorities / agencies i.e NHA and Department of railway may be issued recovery notice for recovery of damage caused to the roads within 15 days and the same may be recovered from said authorities.

5.0. Conclusions and Recommendations

After visit to the soil excavation/mining sites in agriculture fields of Village Bhallmajra and adjoining villages of Distt. Fatehgarh Sahib, the Monitoring Committee has made the following conclusions and recommendations.

There was excavation/mining of soil up to the depth of 3-4 feet in the agricultural fields of Village Bhallmajra and Village Sohagri as mentioned in the complaint. Therefore, the Monitoring Committee directed as under:

i) The Deptt. of Irrigation may submit the report / data on the following points within 15 days.

- a) **Assessment of the area of agricultural fields of village Bhallmajra, Sohagri and adjoining villages in Distt. Fatehgarh Sahib, where soil/earth excavation of agricultural fields has been done.**
- b) **Measurement of actual depth upto which, excavation of soil/earth in agricultural fields has been done.**
- c) **Assessment / measurement of quantity of soil/earth excavated from the agricultural fields of the said villages.**
- d) **The provisions as mentioned in the Punjab Minor Minerals Rules, 2013/notification/policy w.r.t excavation/mining of soil/earth from agriculture fields may be checked and submit the report as to whether mining/excavation of soil/earth from agriculture fields is legal or otherwise.**

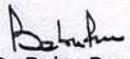
In case, it is confirmed by the Department of Mining (Department of Irrigation) that the said activity is illegal, the said department may submit the report on the following points within 15 days.

- **The status of legal action taken against the defaulting persons engaged in excavation/mining of soil in the agricultural fields illegally.**
- **Whether the cost of the soil excavated/mined illegally from the defaulting persons has been recovered, if so, the details may be submitted.**
- **The damage caused to the environment due to illegal excavation/mining of soil from the agricultural fields of village Bhallmajra and adjoining villages of Distt. Fatehgarh Sahib may be calculated based on the formula / methodology as mentioned in para no. 10 and 11 of order dated 26/2/2021 in O.A. no. 360 of 2015 in the matter of National Green Tribunal Bar Association V/s Virender Singh (State of Gujrat)(A copy of the order dated 26.2.2021 is enclosed as per Annexure-4). The said assessment may be done in association with Punjab Pollution Control Board, Regional Office, Fatehgarh Sahib.**

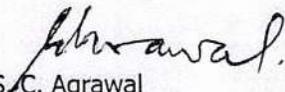
ii) Tehsildar Fatehgarh Sahib shall check the record w.r.t ownership of the agricultural fields of village Bhallmajra and adjoining villages of Distt. Fatehgarh Sahib and their khasra no. from which the soil/earth

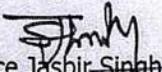
has been excavated/mined from the revenue record for the last 5 years and submit the report to the Monitoring Committee within 15 days.

- iii) Mandi Board shall submit the report regarding conditions of the following link roads:
- a) Bhallmajra to Sohagri link road
 - b) Bhallmajra to Tarkheri link road
 - c) Bhallmajra to Tohra link road
- iv) District Administration, Fatehgarh Sahib shall get assess the damage caused to the roads due to movement of vehicles and machinery used for carrying soil/earth from the land of other villages of Distt. Fatehgarh Sahib to the construction sites and the concerned authorities / agencies i.e NHA I and Railway authorities may be issued recovery notice for recovery of damage caused to the roads within 15 days and cost of damage caused to the roads may be recovered from the said authorities.


Dr. Babu Ram


Sant Balbir Singh Seechewal


S.C. Agrawal


Justice Jasbir Singh
Former Judge, Punjab & Haryana High Court and
now as Chairman of the Monitoring Committee

List of the officers present during the visit

1. Smt. Anita Darshi, Additional Deputy Commissioner (G), Fatehgarh Sahib
2. Smt. Anuradha Sharma, Environmental Engineer, Regional Office, Fatehgarh Sahib.
3. Sh. Ramandeep Singh Bains, Executive Engineer, Deptt. of Drainage, Fatehgarh Sahib
4. Sh. Narbhinder Singh Grewal, District Development & Panchayat Officer, Fatehgarh Sahib.
5. Sh. Mohit Singla, Asstt. Environmental Engineer, Regional Office, Fatehgarh Sahib.
6. Sh. Rubal Goyal, Asstt. Environmental Engineer, Regional Office, Fatehgarh Sahib.
7. Sh. Varun Garg, Asstt. Executive Engineer, Deptt. of Drainage, Fatehgarh Sahib

Item No. 04

(Court No. 1)

BEFORE THE NATIONAL GREEN TRIBUNAL

(By Video Conferencing)

Original Application No. 294/2021

Singh Jindalpuria, S/o Surjeet Singh
Village Jindalpur, Distt. Fatehgarh

Applicant

Versus

State of Punjab

Respondent

Date of hearing: 10.11.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL CHAIRPERSON
HON'BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Application is registered based on a complaint received by post

ORDER

1. Grievance in this application is against illegal mining at village Bhallmajra, near Chanarthal, a border village of District Fatehgarh Sahib, Punjab in connivance with the authorities of the District and the State. It is stated that heavy tipper, trucks, JCB machines and cranes are used in the course of mining.
2. Adverse impact of unscientific and unsustainable mining on environment is well acknowledged and regulatory regime exists to ensure that mining is sustainable, as per replenishment study and consent conditions as well as other environmental norms. This Tribunal has dealt with the issue of illegal mining inter alia vide order dated 26.02.2021 in OA No. 360/2015, *NGT Bar Association v. Virender Singh (State of Gujarat)* and other connected matters and directed as follows:

27. We direct all the States/UTs to strictly follow the SSMG-2016 read with EMGSM-2020 reinforced by mechanism for preparation of DSRs (in terms of directions of this Tribunal dated 14.10.2020 in Pawan Kumar, supra and 04.11.2020 in Rupesh Pethe, supra), Environment Management Plans, replenishment studies, mine closure plans, grant of EC (in terms of direction dated 13.09.2018 in Satendra Pandey, supra), assessment and recovery of compensation (as per discussion in Para 25), seizure and release of vehicles involved in illegal mining (in terms of order dated 19.02.2020 in Mushtakeem, supra), other safeguards against violations, grievance redressal, accountability of the designated officers and periodical review at higher levels. As already noted, EMGSM-2020 contemplates extensive use of digital technology, including remote sensing.

28. We further direct that periodic inspection be conducted by a five-members Committee, headed and coordinated by the SEIAA and comprising CPCB (wherever it has regional office), State PCB and two expert members of SEAC dealing with the subject. Where CPCB regional office is not available, if MoEF&CC regional office is available, its Regional Officer will be included in the Committee. Where neither CPCB nor MoEF&CC regional office exists, Chairman, SEIAA will tie up with the nearest institution of repute such as IIT to nominate an expert for being included in the Committee. Such inspection must be conducted at least thrice for each lease i.e. after expiry of 25% the lease period, then after 50% of the period and finally six months before expiry of the lease period for midway correction and assessment of damage, if any. The reports of such inspections be acted upon and placed on website of the SEIAA. Every lessee, undertaking mining, must have an environment professional to facilitate sustainable mining in terms of the mining plan and environmental norms. This be overseen by the SEIAA. Environment Departments may also develop an appropriate mobile App for receiving and redressing the grievances against the sand mining, including connivance of the authorities and also a mechanism to fix accountability of the concerned officers. Recommendations of the Oversight Committee for the State of UP quoted earlier may be duly taken into account.

The mechanism must provide for review at the level of the Chief Secretary at least once in every quarter, in a meeting with all concerned Departments in the State. The Chief Secretary UP may ensure further action in the light of the report of the Oversight Committee.

Similarly, at National level, such review needs to be conducted atleast once in a year by the Secretary, Environment in coordination with the Secretaries Mining and Jalshakti Ministries the CPCB.

29. We further direct all the States/UTs to publish their annual reports on the subject and such annual reports may be furnished to MoEF&CC by 30th April every year giving status till 31st March. First such report as on 31.03.2022 may be filed with the MoEF&CC by all the States/UTs on or before 30.04.2022. The report may also be simultaneously posted on the website of the Environment Department of the States/UTs. Based on such reports, MoEF&CC may consider supplementing its Guidelines from time to time. The MoEF&CC may prepare a consolidated report considering the reports from the States/UTs and publish its own report on the subject, preferably by 31st May every year.

30. We direct the Secretary MoEF&CC to convene a meeting in coordination with the CPCB and Mining and Jalshakti Ministries of Central Government and such other experts/individuals at National level and representatives of States within three months for inter-action on the subject which may be followed by such meetings being convened by the Chief Secretaries in all States in next three months. Holding of such meetings will provide clarity on enforcement strategies and help protection of environment.

All the applications are disposed of. Individual issues may be gone into in accordance with the mechanism to be involved as above."

3. In view of above, we consider it necessary to ascertain the factual position of compliance of environmental norms on the ground level. It is particularly necessary to ascertain whether mining is taking place, whether requisite EC and consents have been granted and whether statutory authorities are maintaining vigil in the matter to enforce the rule of law and the environmental norms.

4. Accordingly, we request the Committee constituted by this Tribunal for certain environmental issues in the State of Punjab headed by Justice Jasbir Singh, former Judge of Punjab and Haryana High Court to undertake a visit to the site with the assistance of other concerned regulatory authorities. The State PCB and District Magistrate, Fatehgarh Sahib may coordinate and facilitate such visit. The Committee may give its report in the matter with two months by e-mail at judicial-

ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF.

List for further consideration on 17.02.2022.

A copy of this order along with a copy of the complaint be forwarded to State PCB and District Magistrate, Fatehgarh Sahib by e-mail for compliance.

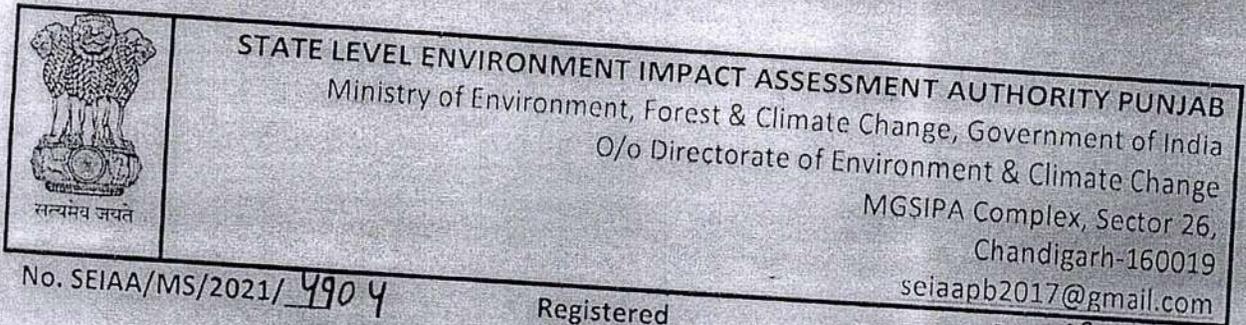
A copy of this order along with a copy of the complaint be also forwarded to Justice Jasbir Singh, former Judge of Punjab and Haryana High Court by e-mail.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. Nagin Nanda, EM

November 10, 2021
Original Application No. 294/2021
DV



No. SEIAA/MS/2021/ 4904

Registered

Date: 02/12/2021

To

Dr. Babu Ram,
Technical Expert,
Office of The Monitoring Committee,
Tower No.5, 4th Floor, Forest Complex,
Sector 68, SAS Nagar.

Subject: For sending the record files relating to Environment Clearance granted to the Mining sites of village Bhallmajra & adjoining villages, Distt. Fatehgarh Sahib in compliance of order dated 10.11.2021 in OA No. 294 of 2021 in the matter of Singh Jindalpuria son of Sh. Surjeet Singh Vs State of Punjab.

Respected Sir,

In reference to your office letter No. CMC/SWM/PB/2021/469 dated 29.11.2021, it is intimated that as per record of this office, neither any application for obtaining Environmental Clearance has been received nor any Environmental Clearance has been granted to the mining site located in the revenue estate of Bhallmajra & adjoining village of District Fatehgarh Sahib.

This is for your kind information, please.

Environmental Engineer

Regarding record files of the consent granted for mining activities

1 message

EE- FGS <eerofgs@gmail.com>
To: baburampatiala@gmail.com

Thu, Dec 2, 2021 at 3:42 PM



Punjab Pollution Control Board

Regional Office, Fatehgarh Sahib
NISST Building, Opp. Floating Restaurant,
Mandi Gobindgarh

Phone no.01763-242400

Dated: 2/12/21

No. 4876

To

The Technical Expert,
Monitoring Committee,
Tower no. 5, 4th Floor, Forest Complex,
Sector-68, SAS Nagar.

Subject: To send the record files to Environmental Clearance granted to the mining sites of Village Bhallmajra and adjoining Village, Distt. Fatehgarh Sahib in compliance of order dated 10/11/2021 in O.A. no. 294 of 2021 in the matter of Singh Jindalpuria son of Sh. Surjeet Singh V/s State of Punjab.

Ref: Your office endst no. CMC/2021/471 dated 29/11/2021.

With reference to subject cited matter, it is intimated that as per record of this office, no mining site of village Bhallmajra and adjoining villages of Distt. Fatehgarh Sahib has been granted consent to operate under the Water (Prevention & Control of Pollution) Act, 1974 and the Air (Prevention & Control of Pollution) Act, 1981 to carry out earth / sand mining. Moreover, no such record files are available in this office.

This is for your kind information please.

Endst No. 4876/.....

[Signature]
Environmental Engineer

Dated 2/12/21

A copy of the above is forwarded to Member Secretary, Punjab Pollution Control Board, Patiala for information please.

[Signature]
Environmental Engineer

Item Nos. 02 to 20

Court No. 1

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

Original Application No. 360/2015

(With report dated 15.01.2021)

National Green Tribunal Bar Association

Applicant

Versus

Virender Singh (State of Gujarat)

Respondent

With

Original Application No. 366/2015

National Green Tribunal Bar Association

Applicant

Versus

Dr. Sarvabhoom Bagali (State of Karnataka)

Respondent

With

Original Application No. 368/2015

National Green Tribunal Bar Association

Applicant

Versus

Dr. Sarvabhoom Bagali (State of Karnataka)

Respondent

With

Original Application No. 173/2018
(Earlier O.A. No. 89/2017 (EZ))

Sudarsan Das

Applicant

Versus

State of West Bengal & Ors.

Respondent(s)

With

Original Application No. 874/2018

In Re: News item published in "The Tribune " Authored by Arun Sharma
Titled "Mounds of sand on Sutlej banks, mining mafia digs in"

With

Original Application No. 44/2016

Mushtakeem

Applicant

Versus

MoEF & CC & Ors.

Respondent(s)

With

Original Application No. 517/2015

Sandeep Kumar

Applicant

Versus

Ministry of Environment, Forests and
Climate Change & Ors.

Respondent(s)

With

Original Application No. 550/2015

Virender Kumar

Applicant

Versus

Ministry of Environment, Forests and
Climate Change & Ors.

Respondent(s)

With

Original Application No. 530/2016

Sandeep Kumar

Applicant

Versus

Ministry of Environment, Forests and
Climate Change & Ors.

Respondent(s)

With

Original Application No. 272/2016

M/s Ganga Yamuna Mining Co.

Applicant

Versus

State of Haryana & Ors.

Respondent(s)

With

Original Application No. 481/2016

Joginder Singh

Applicant

Versus

Ministry of Environment & Forest

Respondent

With

Original Application No. 540/2015

Ved Pal Singh

Applicant

Versus

Ministry of Environment and Forests & Ors.

Respondent(s)

With

Original Application No. 90/2016

Chander Mohan Uppal

Applicant

Versus

State of U.P. & Ors.

Respondent(s)

With

Execution Application No. 40/2017

IN

O.A. No. 517/2015

Sandeep Kumar

Applicant

Versus

Ministry of Environment, Forests and
Climate Change & Ors.

Respondent(s)

With

Original Application No. 671/2017

(Earlier O.A.No.123/2014)

Himmat Singh Shekhawat

Applicant

Versus

State of Rajasthan & Ors.

Respondent(s)

With

Original Application No. 726/2018

Rupesh Pethe

Applicant

Versus

State of M.P. & Ors.

Respondent(s)

With

Original Application No. 456/2018

(Earlier O.A. No. 146/2014 (CZ))

Nityanand Mishra

Applicant

Versus

State of M.P. & Ors.

Respondent(s)

With

Original Application No. 1086/2018

(Earlier O.A.No.140/2014)

Nanga Ram Dangi

Applicant

Versus

Secretary, Department of Environment &
Forests & Ors.

Respondent(s)

With

Original Application No. 575/2019

Yaduraj Singh Jat

Applicant

Versus

State of Rajasthan

Respondent

Date of hearing: 26.02.2021

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

Applicant: Ms. Katyayni, Advocate in OA 1086/2018
Amicus Curiae: Mr. Raj Panjwani, Senior Advocate with Mr. Aagney Sail, Advocate
Respondent(s): Mr. Divya Prakash Pande, Advocate. for CPCB & MoEF & CC
Mr. Raj Kumar, Advocate for CPCB in OA 726/2018
Ms. Soni Singh, Advocate for CPCB in OA 456/2018
Mr. Attin Shankar Rastogi, Mr. Balendu Shekhar & Mr. Shlok
Chandra, Advocates for MoEF & CC
Mr. Ankit Verma, Advocate for State of UP
Mr. Rahul Khurana, Advocate for State of Haryana
Mr. Darpan KM, Advocate for State of Karnataka
Ms. Madhumita Bhattacharjee, Advocate. for State of West Bengal
Mr. Vikas Mahajan, AAG for State of HP
Mr. Maulik Nanavati, Advocate for State of Gujarat
Ms. Soumya Priyadarshinee, Advocate for State of MP
Ms. Sakshi Popli, Advocate for DPCC

ORDER

1. The issue for consideration in this group of matters relates to updation of enforcement and monitoring mechanism to control and regulate illegal sand mining (including riverbed sand mining) in the light of directions in the judgments of the Hon'ble Supreme Court, including in *Deepak Kumar v. State of Haryana & Ors.*: (2012) 4 SCC 629 and *Goa Foundation v. Union of India & Ors.* (2014) 6 SCC 590 and orders of this Tribunal.

2. Some of the matters have been pending for about seven years while others have been tagged to the pending matters later, from time to time, in view of common question. We need not refer to the individual facts and all the earlier order. It will suffice to refer to some of the significant orders passed from time to time given in a tabular form as follows:

Sl. No.	Party name	Date of orders	Particulars
1.	OA No. 173/2018 Sudarsan Das v. State of West Bengal & Ors.	04.09.2018	Inter alia directing revision of monitoring mechanism by the MoEF&CC.
2.	OA No. 44/2016 Mushtakeem v. MoEF&CC & Ors.	05.09.2018	
3.	OA No. 186 of 2016 Satendra Pandey Vs. Ministry of Environment, Forest & Climate Change & Anr	13.09.2018	Inter alia disapproving dispensing with requirement of public hearing and requiring evaluation by DEIAA.
4.	OA 606/2018, Compliance of Municipal Solid Waste Management Rules, 2016	16.01.2019	Requiring the Chief Secretaries to monitor the subject of unregulated and unscientific sand mining
5.	O.A. No. 360/2015, National Green Tribunal Bar Association v. Virender Singh (State of Gujarat)	05.04.2019	Inter alia consideration of scale of compensation and revised monitoring mechanism
6.	OA No. 44/2016 Mushtakeem v. MoEF&CC & Ors.	19.02.2020	Inter alia modifying the mechanism for release of vehicles
7.	OA No. 360/2015 National Green Tribunal Bar Association v. Virender Singh (State of Gujarat)	17.08.2020	Inter alia considering the scale of compensation proposed by the CPCB
8.	O.A. No. 40/2020, Pawan Kumar v. State of Bihar & Ors.	14.10.2020	Inter alia engagement of experts from NABT/QCCI for preparation of DSR/ replenishment study
9.	O.A. No. 726 of 2018 Rupesh Pethe v. State of M.P. & Ors.,	04.11.2020	

3. We may now refer to the developments which have taken place during pendency of the matters and then proceed to decide the surviving issues, as further discussed in para 24:

- a. **enforcement of SSMG-2016 and EMGSM-2020,**
- b. **compensation regime,**
- c. **procedure for seizure and release of vehicles,**

- d. **periodic interaction among the stakeholders as discussed in later part of the judgment,**
- e. **designing and reviewing monitoring mechanism from time to time including grievance redressal.**

'Sustainable Sand Mining and Management Guidelines, 2016' (SSMG-2016) and "Enforcement and Monitoring Guidelines for Sand Mining, 2020" (EMGSM-2020)

4. In the course of proceedings, the Ministry of Environment, Forest and Climate Change (MoEF&CC) issued 'Sustainable Sand Mining and Management Guidelines, 2016' (SSMG-2016) under the provisions of the Environment (Protection) Act, 1986 (EP Act, 1986) on 15.01.2016. Further, in the light of the September 2016 report of the High-Powered Committee (constituted by the Tribunal), headed by the Secretary, MoEF&CC and suggestions as noted in order dated 04.09.2018 in OA 173/2018, *Sudarsan Das v. State of West Bengal & Ors.*, the Tribunal directed revision of the guidelines.¹ Accordingly, the MoEF&CC has issued "Enforcement

¹Para 25 of the said order is as follows:

"25. In view of above discussion, we are of the view that since the subject of mining is also required to be regulated for protection of environment and it is to take care of this requirement, MoEF&CC has issued directions from time to time under Section 3 and 5 of the Environment (Protection) Act, 1986. The MoEF&CC needs to revise its directions keeping in mind the following:

- i. Mining Surveillance System discussed in para 23-above be finalized in consultation with ISRO Hyderabad.
- ii. Safeguards suggested in Sustainable Sand Mining Guidelines published by the MoEF&CC in the year 2016.
- iii. Suggestions in the High Power Committee Report.
- iv. Requirement of demarcation of boundaries being published in respect of different leases in public domain.
- v. Need to issue SOP laying down mechanism to evaluate loss to the ecology and to recover the cost of restoration of such damage from the legal or illegal miners. Such evaluation must include cost of mining material as well as cost of ecological restoration and net present value of future eco system services forgone.
- vi. Need to set up a dedicated institutional mechanism for effective monitoring of sand and gravel mining which may also take care of mining done without any Environmental Clearance as well as mining done in violation of Environmental Clearance conditions.
- vii. The Mining Department may make a provision for keeping apart atleast 25% of the value of mined material for restoration of the area affected by the mining and also for compensating the inhabitants affected by the mining.
- viii. One of the conditions of every lease of mine or minerals would be that there will be independent environmental audit atleast once in a year by reputed third party entity and report of such audit be placed in public domain.
- ix. In the course of such environmental audit, a three-member committee of the local inhabitants will also be associated. Composition of three members committee may

and Monitoring Guidelines for Sand Mining, 2020" (EMGSM 2020), uploaded on the website on 27.01.2020 and communicated to all the States. Salient features thereof will be noted later.

Issue of EC procedure being handled by SEIAA instead of DEIAA, after public hearing and other necessary steps, procedure for revision of DSR preparation and enforcement mechanism in States, including compensation regime and seizure and release of vehicles

5. Vide order dated 13.09.2018 in O.A. No. 186/2016, *Satyender Pandey Vs. MoEF*, further direction was issued against dispensing with the requirement of public hearing and evaluation by SEIAA in terms of the judgment of the Hon'ble Supreme Court in *Deepak Kumar, supra* thereby the guidelines/notification dated 15.01.2016 dispensing with such requirement was held to be hit by the judgment of the Hon'ble Supreme Court in *Deepak Kumar, supra* and thus not enforceable.

6. On 05.04.2019, the Tribunal conducted comprehensive review of the matter and noted following issues required consideration. Directions were issued with reference to the said issues:

- "(a) Revision of Sustainable Sand Mining Guidelines, 2016 by the MoEF&CC in the light of directions of this Tribunal vide order dated 04.09.2018 in *Sudarsan Das (supra)*.**
- (b) Compliance of Sustainable Sand Mining Guidelines, 2016 as may be revised by MoEF&CC as above.**
- (c) Effective monitoring mechanism for preventive and remedial measures as directed in orders of this Tribunal, including surveillance system and recovery of compensation.**
- (d) Directions in individual cases listed today.**
- (e) Scale of compensation."**

7. Considering the extent of illegality in the process, apart from directing revision of the Guidelines as above, the Tribunal directed the

preferably include ex-servicemen, former teacher and former civil servant. The Committee will be nominated by the District Magistrate."

States² to review their monitoring mechanism in the light of observations of this Tribunal in earlier orders, including orders dated 04.09.2018 in *Sudarsan Das v. State of West Bengal & Ors*, 05.09.2018 in *Mushtakeem v. MoEF&CC & Ors.* and 16.01.2019 in OA 606/2018, *Compliance of Municipal Solid Waste Management Rules, 2016*. **Though direction was issued to the States who were parties before the Tribunal, the directions are of general nature applicable to sand mining in all the State /UTs.** The Tribunal also considered compliance reports from different States after finding that the response of the State was not satisfactory.

Seizure and Release of vehicles involved in illegal mining

8. Another issue bearing on the enforcement mechanism is the action against the vehicles used in illegal sand mining. Seizure of such vehicles is required and release of seized vehicles lightly defeats the purpose of the coercive measures. Since the vehicles are in a way weapon of offence, the same cannot be dealt with in the manner disputed property is dealt with under section 451 Cr.PC. by releasing the same in favour of the ostensible owner by taking an entrustment/indemnity bond/*sapurdginama*. In *Sujit Kumar Rana*, (2004) 4 SCC 129 and order dated 26.03.2019 in Cr. A. 524/2019, *State of Madhya Pradesh v. Uday Singh*, it was held that special procedure for seizure and release of such vehicles prevails over the procedure under Section 451 Cr.P.C. This Tribunal earlier directed, in the case of illegal mining in Meghalaya that such vehicles should be released only on the payment of 50% of the showroom value. The same was affirmed by the Hon'ble Supreme Court in *2019 (8) SCC 177*. Similar order was passed by the Tribunal on 10.01.2019 in O.A. No. 670/2018, *Atul*

²The States of West Bengal, Gujarat, Karnataka, Maharashtra, Punjab, Uttar Pradesh, Haryana, Madhya Pradesh, Andhra Pradesh, Bihar, Uttarakhand, Jammu and Kashmir, Goa, Kerala, Telangana and Tamil Nadu and Himachal Pradesh

Chouhan v. State of U.P., which stands affirmed by the Hon'ble Supreme Court vide order dated 07.05.2019 in C.A. No. 1590/2019. **Thus, the procedure under Cr.P.C. for release of vehicles on *superdari* without stringent conditions would not apply in respect of action taken for enforcement of Sustainable Guidelines issued under the Environment (Protection) Act, 1986 (EP Act) and for enforcement of orders of this Tribunal under Section 15 of the National Green Tribunal Act, 2010 (NGT Act).** However, having regard to the difficulty expressed by the State that requirement to pay 50% of the showroom value of the vehicle was resulting in vehicles not being released at all, the earlier order was modified on 19.02.2020 to the effect that following scale of amount be recovered for release of the seized vehicles:-

Sr. No.	Category of Vehicle	Penalty Amount
1	<i>Vehicles/Equipments/Excavators with showroom value more than Rs. 25 lacs and less than 5 years old.</i>	Rs. 4 lacs
2	<i>Vehicles/Equipments/Excavators with showroom value more than Rs. 25 lacs and more than 5 years but less than 10 years old.</i>	Rs. 3 lacs
3	<i>For the remaining Vehicles older than 10 years/Equipments/ Excavators which are otherwise legally permissible to be operated and not covered by Serial No. 1 and 2.</i>	Rs. 2 lacs
Note - I: <i>On repetition of the offence by the same vehicle/ equipment, Order dated 05.04.2019 will be applicable.</i>		
Note - II: <i>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.</i>		

9. Following further directions were issued :-

"6. The State may issue an appropriate Office Order/Rule to the above effect and publish the same. Needless to say that any private contract between a financier and a debtor cannot affect the States' sovereign power to protect the environment and take incidental coercive measure for enforcement of rule of law. Lien of the State will override any private interest. The above compensation regime will be over and above any existing Rules or provisions. The amount collected may be

remitted to the State PCBs/PCCs for being utilized for restoration of the environment.

7. The above course of action will be permissible to all the States at their option."

Scale of compensation for violations on polluter pays principle

10. Vide order dated 17.08.2020, the Tribunal considered the CPCB report dated 30.01.2020, in pursuance of earlier orders on scale of compensation to be recovered for violation of norms for mining on polluter pays principle and the matter was deferred for further consideration of such scale and further orders in the light of the EMGSM 2020. **On the issue of scale of compensation for violations, the Tribunal held that the same has to be calculated having regard to the polluter pays principle and not mere loss of royalty. This requires taking into account value of the illegally mined material and cost of restoration of the environment.** CPCB did the exercise by constituting an expert Committee. The Tribunal considered the report as follows:-

"8. The Committee considered two approaches:

- (I) **Approach 1: Direct Compensation based on the market value of extraction, adjusted for ecological damages.**
- (II) **Approach 2: Computing a Simplified NPV for ecological damages.**

9. In the first approach, the criteria adopted is:

- Exceedance Factor (EF).
- Risk Factor (RF).
- Deterrence Factor (DF).

10. Approach 1 is demonstrated by Table 1 as follows:

Table No. 01: Approach 1

Permitted Quantity (in MT or m ³)	Total Extraction (in MT or m ³)	Excess Extraction (in MT or m ³)	Exceedance in Extraction:	Compensation Charge (in Rs.)
X	Y	Z = Y-X	Z/ X	D * (1+RF + DF) Where D = Z x Market Value-of-the-material-per-MT-or-m ³

				DF = 0.3 if Z/X = 0.11 to 0.40 DF = 0.6 if Z/X = 0.41 to 0.70 DF = 1 if Z/X >= 0.71
				RF = 0.25, 0.50, 0.75, 1.00 (as per table 2)

11. Approach 2 is demonstrated by following formula:

“Till such time as data and information for a comprehensive NPV is worked out in a site specific manner to account for all (or atleast the major) ecological damages, a simplified NPV, proxied on the market value of the illegally extracted amount may be computed. In this case the NPV approach would imply that **the total benefits from the activity of sand mining (as represented by the market value of the extracted amount) be deducted from the total ecological costs** imposed by the activity. In the absence of data on benefits and costs separately, we recommend a modification of the formula as shown below:

Total Benefits(B) = Market Value of illegal extraction : D
(refer Table 1)

Total Ecological Costs = Market Value Adjusted for risk factor: D * RF (refer Table1).

For present purposes, it is assumed that the Benefits would accrue only in the first year (in which the extraction of the illegally mined material takes place), while the ecological costs would continue to be felt over a period of time. NPV is to be calculated for a period of 5 years on the net value, $\Sigma (C-B)$, at a discount rate ranging from 8%-5%, varying in inverse with the risk factor. Thus, where the highest risk factor (say 1) is applicable, the discount rate applicable would be the lowest (say 5% in this case).”

12. Final recommendation is as follows:

“Thus, it is recommended that the annual net present value (NPV) of the amount arrived at after taking the difference between the costs and the benefits through the use of the above approach, maybe calculated for a period of 5 years at a discount rate of 5% for mining which is in a severe ecological damage risk zone. The rationale for levying this NPV is based on expert opinion that reversal and/or restoration of the ecological damages is usually not possible within a short period of time and rarely is it feasible to achieve 100% restoration, even if the sand deposition in the river basin is restored through flooding in subsequent years. The negative externalities of the mining activity are therefore to be accounted for in this manner. Ideally, the worth of all such damages, including costs of those which can be restored should be charged. **However, till data on site-specific assessments becomes available, this approach may be**

adopted in the interim. In situations where the risk categorization charged. However, till data on site-specific assessments becomes available, this approach may be adopted in the interim. In situations where the risk categorisation is unavailable or pending calculation, the following Discount Rates may be considered:

Severity	Mild	Moderate	Significant	Severe
Risk Level	1	2	3	4
Risk Factor	0.25	0.50	0.75	1.0
Discount	8%	7%	6%	5%

11. Annexure-A appended to the report gives the calculation as follows:

“Compensation Charge (Scenario II - explicit accounting of NPV)

Market Value of Illegally Mined Material (D) 5000*400 = 2000000/-

Annual Value of Foregone Ecological Values D*RF = 2000000/-

- **Present Value of Foregone Ecological Values (@ 5% discount rate and over 5 years)**

$$PV = \sum_{t=1}^5 \frac{(D+RT)}{(1+r)^t}$$

$$= \frac{(2000000)}{(1+0.05)^1} + \frac{(2000000)}{(1+0.05)^2} + \frac{(2000000)}{(1+0.05)^3} + \frac{(2000000)}{(1+0.05)^4} + \frac{2000000}{(1+0.05)^5}$$

$$= \text{Rs. } 86,58,953/-$$

- **Net Present Value (after netting out market value of illegally mined material) - i.e., Total Compensation to be levied**

$$= NPV = PV - D$$

$$= \text{Rs. } 66,58,953/-$$

Compensation Charge in above case:

Approach 1 (no explicit accounting of NPV)	Approach 2 (explicit accounting of NPV)
D*(1+RF+DF)	@ 5% discount rate and over 5 years
Rs. 46,00,000/-	Rs. 66,58,953/-

12. The Tribunal directed undertaking of scenario analysis, as suggested on behalf of the applicant and to furnish a further report accordingly. Further report dated 12.10.2020 has been filed by the CPCB reiterating its earlier report. **We propose to approve approach-2 in the report.** Apart from the above, a report dated 15.01.2021 has been filed by

the Oversight Committee for the State of UP³ to which reference will be made later.

Procedure for DSR/EC

13. Vide order dated 14.10.2020 in O.A. No. 40/2020, *Pawan Kumar v. State of Bihar & Ors.*, the issue of preparation of District Survey Report (DSR) by Experts was considered. Vide Notification dated 25.07.2018 issued by the MoEF&CC, under Section 3(2)(v) of the EP Act, 1986 amending EIA Notification dated 14.09.2006, procedure for preparation of DSR for sand mining/riverbed mining was laid down. **The DSR is crucial as it contains Environment Management plan, including the replenishment study and other safeguards and is the basis to consider the environment impact of mining based on which decision to grant the Environmental Clearance is taken.** The Tribunal held that for such crucial exercise, the **Experts should be out of those accredited by the National Accreditation Board of Education and Training/ Quality Control Council of India (NABT/QCCI) in terms of O.M. of MoEF&CC dated 16.03.2010.** Verification by the District Magistrate and evaluation by the SEAC was also necessary. Accordingly, following directions were issued in relation to a matter arising from the State of Bihar:-

"(ii) As the DEIAA is not functioning as a consequence of the decision of the Tribunal in Satendra Pandey (supra), the DSR shall be prepared through a consultant(s) accredited by the National Accreditation Board of Education and Training/ Quality Control Council of India in terms of O.M. of MoEF&CC dated 16.03.2010.

(iii) The DSR so prepared shall be submitted to the District Magistrate who shall verify the DSR only in respect of the relevant facts pertaining to the physical and geographical features of the district which shall be distinct from the scientific findings based on the parameters prescribed in the SSMMG-2016. After such verification, the District Magistrate shall forward the DSR for examination and evaluation by the State Expert Appraisal Committee (SEAC) having regard to the fact

³ constituted by this Tribunal to oversee compliance of environmental issues, on suggestions of the State Government.

that the SEIAA comprises of technical/scientific experts. The SEAC after appraisal of the report shall forward it to the SEIAA for consideration and approval if it meets all scientific/technical requirements.

(iv) While preparing the DSR, the MoEF&CC Accredited Agency/Consultant shall scrupulously follow the procedure and the parameters laid down under the SSMMG-2016 and EMGSM-2020 read in sync with each other."

14. Considering the above, vide order dated 04.11.2020 in O.A. No. 726 of 2018, *Rupesh Pethe v. State of M.P. & Ors.*, the Tribunal directed that the above direction ought to be followed pan India, as follows:-

"5. The above direction may be followed by the State of MP also for the sake of uniformity. Further information required to be furnished is about the extent of illegal mining, extent of action taken, including the compensation recovered, vehicles seized and other coercive measures and impact of such action. The State of M.P. may compile relevant directions on the subject including the binding order of any Courts or Tribunal. This exercise may be undertaken jointly by the Secretary Geology and Mining, Member Secretary State PCB and Member Secretary SEIAA. In light of above, the State may further revise its policy and exercise. Let further compliance status be furnished before the next date by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/ OCR Support PDF and not in the form of Image PDF.

6. We are of the view that the above directions need to be followed by all other States where the issue of mining is relevant.

7. A copy of this order be forwarded to the Chief Secretaries of all the States and UTs by e-mail for compliance."

Adverse impact of unscientific/unregulated Sand Mining

15. It is undisputed that there is huge degradation of environment on account of unregulated sand mining remains which is otherwise lucrative activity. It poses threat to bio-diversity, could destroy riverine vegetation, cause erosion, pollute water sources, badly affecting riparian ecology, damaging ecosystem of rivers, safety of bridges, weakening of riverbeds, destruction of natural habitats of organisms living on the riverbeds, affects fish breeding and migration, spell disaster for the conservation bird

species, increase saline water in the rivers. It has direct impact on the physical habitat characteristics of the rivers such as bed elevation, substrate composition and stability, in-stream roughness elements, depth, velocity, turbidity, sediment transport, stream discharge and temperature. Increase in demand of sand has placed immense pressure in the supply of sand resource and mining activities were going on illegally as well as legally without requisite restrictions. Lack of proper planning and sand management disturbs marine ecosystem and upset the ability of natural marine processes to replenish the sand. The Hon'ble Supreme Court (in Deepak Kumar, supra) noted that core group was constituted by the MoEF&CC to examine the impact of minor minerals on riverbeds and ground waters. A draft report was prepared recommending mandatory preparation of mining plan on the pattern of mining plans for major minerals. Further recommendations are reclamation and rehabilitation of abandoned mines, proportion of hydro geo-logical balance for minerals below ground water table limiting depth of mining to 3 meter and identification on locations where mining should be permitted was required. There is need for identifying safety zones in the proximity of intendments. Thus, strict regulatory parameters were required for regulating mining of minor minerals. It was noted that in-stream mining lowers the stream bottom of rivers which may lead to bank erosion. Depletion of sand in the stream bed causes deepening of rivers which may result in destruction of aquatic and riparian habitats. It has impact on stream's physical habitat characteristics.

16. *In State (NCT of Delhi) v. Sanjay, (2014) 9 SCC 772, at page 790, it was observed :*

“32. The policy and object of the Mines and Minerals Act and Rules have a long history and are the result of an increasing awareness of

the compelling need to restore the serious ecological imbalance and to stop the damages being caused to the nature. The Court cannot lose sight of the fact that **adverse and destructive environmental impact of sand mining has been discussed in the UNEP Global Environmental Alert Service Report. As per the contents of the Report, lack of proper scientific methodology for river sand mining has led to indiscriminate sand mining, while weak governance and corruption have led to widespread illegal mining. While referring to the proposition in India, it was stated that sand trading is a lucrative business, and there is evidence of illegal trading such as the case of the influential mafias in our country.**

33. The mining of aggregates in rivers has led to severe damage to rivers, including pollution and changes in levels of pH. Removing sediment from rivers causes the river to cut its channel through the bed of the valley floor, or channel incision, both upstream and downstream of the extraction site. This leads to coarsening of bed material and lateral channel instability. It can change the riverbed itself. The removal of more than 12 million tonnes of sand a year from Vembanad Lake catchment in India has led to the lowering of the riverbed by 7 to 15 cm a year. Incision can also cause the alluvial aquifer to drain to a lower level, resulting in a loss of aquifer storage. It can also increase flood frequency and intensity by reducing flood regulation capacity. However, lowering the water table is most threatening to water supply exacerbating drought occurrence and severity as tributaries of major rivers dry up when sand mining reaches certain thresholds. Illegal sand mining also causes erosion. Damming and mining have reduced sediment delivery from rivers to many coastal areas, leading to accelerated beach erosion.

34. The Report also dealt with the astonishing impact of sand mining on the economy. It states that tourism may be affected through beach erosion. Fishing, both traditional and commercial, can be affected through destruction of benthic fauna. Agriculture could be affected through loss of agricultural land from river erosion and the lowering of the water table. The insurance sector is affected through exacerbation of the impact of extreme events such as floods, droughts and storm surges through decreased protection of beach fronts. The erosion of coastal areas and beaches affects houses and infrastructure. A decrease in bed load or channel shortening can cause downstream erosion including bank erosion and the undercutting or undermining of engineering structures such as bridges, side protection walls and structures for water supply.

35. Sand is often removed from beaches to build hotels, roads and other tourism-related infrastructure. In some locations, continued construction is likely to lead to an unsustainable situation and destruction of the main natural attraction for visitors—beaches themselves. Mining from, within or near a riverbed has a direct impact on the stream's physical characteristics, such as channel geometry, bed elevation, substratum composition and stability, instream roughness of the bed, flow velocity, discharge capacity, sediment transportation capacity, turbidity, temperature, etc. Alteration or

modification of the above attributes may cause hazardous impact on ecological equilibrium of riverine regime. This may also cause adverse impact on instream biota and riparian habitats. This disturbance may also cause changes in channel configuration and flow paths

.....Today, demand for sand and gravel continues to increase. Mining operators, instead of working in conjunction with cognizant resource agencies to ensure that sand mining is conducted in a responsible manner, are engaged in full-time profiteering. Excessive in-stream sand and gravel mining from riverbeds and like resources causes the degradation of rivers. In-stream mining lowers the stream bottom, which leads to bank erosion. Depletion of sand in the stream-bed and along coastal areas causes the deepening of rivers and estuaries and enlargement of river mouths and coastal inlets. It also leads to saline water intrusion from the nearby sea. The effect of mining is compounded by the effect of sea level rise. Any volume of sand exported from stream-beds and coastal areas is a loss to the system. Excessive in-stream sand mining is a threat to bridges, river banks and nearby structures. Sand mining also affects the adjoining groundwater system and the uses that local people make of the river. Further, according to researches, in-stream sand mining results in the destruction of aquatic and riparian habitat through wholesale changes in the channel morphology. The ill effects include bed degradation, bed coarsening, lowered water tables near the stream-bed and channel instability. These physical impacts cause degradation of riparian and aquatic biota and may lead to the undermining of bridges and other structures. Continued extraction of sand from riverbeds may also cause the entire stream-bed to degrade to the depth of excavation."

Need for regulation under the Water, Air and EP Acts by PCBs, apart from the Mining authorities under the Mining law

17. Again, in Goa Foundation, supra (prs 74-76) it was observed that **mining was required to be regulated not only by the Mining department but also by the PCBs under the Water and Air Act and by the MoEF under the EP Act. It is made clear that the environment laws override other laws and any provision to the contrary in the Mines Act will not stay in the way of enforcing the environment norms. In this regard reference may also be made to report of the Ministry of Mines entitled "Sand Mining Framework" which will not stand in the way of modified mechanism in accordance with this order.**

Salient features of the EMGSM-2020

18. We may note the salient features of the EMGSM-2020, which are supplemental to existing SSMG-2016 and seek to provide effective enforcement and monitoring from the stage of identification of source to its dispatch and end use which requires involvement of all stakeholders viz. Central Government, State Government, Leaseholders/Mine Owners, Distributors, Dealers, Transporters and Consumers (bulk & retail). EMGSM refer to the judgment of the Hon'ble Supreme Court in *Deepak Kumar Vs. State of Haryana & Ors. (2012) 4 SCC 629* making EC mandatory irrespective of the area of mining lease, followed by monitoring in terms of the Environment Management Plan, using IT and IT enabled services. **Monitoring has to be with reference to quantity of mined material, transportation with a view to promote environmental protection, limit negative physiological, hydrogeological and social impacts underpinning sustainable economic growth.** Observations in the order of this Tribunal dated 04.09.2018 in O.A. 173/2018 in *Sudarsan Das vs. State of West Bengal & Ors.* has also been referred to as follows:

"There can be no two views that an effective institutional monitoring mechanism is required not only at the stage when Environmental Clearance is granted but also at subsequent stages".

"The guidelines focus on the preparation of District Survey Report and the Management Plan" ...

We are of the view that all the safeguards which are suggested in sustainable sand mining guidelines as well as notification dated 15.01.2016 ought to be scrupulously followed." ...

It is a known fact that in spite of the above-suggested guidelines being in existence, on the ground level, illegal mining is still going on. The existing mechanism has not been successful and effective in remedying the situation." ...

Since there is an utter failure in the current monitoring mechanism followed by the State Boards, SEIAAs and DEIAAs, it is required to be revised for effective monitoring of sand and gravel mining and a dedicated monitoring mechanism be set up."

Further reference has been made to the directions in the order dated 05.04.2019 requiring the 17 States, which were party before the Tribunal

viz. West Bengal, Gujarat, Karnataka, Maharashtra, Punjab, Uttar Pradesh, Haryana, Madhya Pradesh, Andhra Pradesh, Bihar, Uttarakhand, Jammu and Kashmir, Goa, Kerala, Telangana and Tamil Nadu and Himachal Pradesh, to follow the revised Guidelines and to review their respective monitoring mechanism. It is then stated that with the object of regulating the mining, the sources of sand and steps required are mentioned which provide for District Survey Report (DSR), Mining Plan, replenishment study, consideration of environment impact while granting EC, laying down conditions for EC, monitoring of transportation to the end user to ensure that only legally mined material is transported. There is need to balance between deposition and extraction of sand as per replenishment study, maintaining surveillance, using Unmanned Artificial Vehicles (UAVs)/Drone for reserves estimation, quantity estimation, land use monitoring. Details about all these aspects have been mentioned in the said Guidelines. With regard to post EC monitoring, there is a provision for environment audit, monitoring of sale and purchase by developing online portal and laying down the levels of monitoring i.e. Level 1- Reach/ Stockyard level monitoring, Level 2 - Transportation monitoring, Level 3 - End consumer monitoring/ bulk consumer, Level 4 - Indirect monitoring. Reference has then been made to the High-Powered Committee incorporating safeguards to be adopted by the project proponents. There is also provision for assessment of compensation for the ecological damage by the State/ PCB/ any other Authority. Inter District and Inter State boundaries are separately dealt with. The uniform monitoring mechanism stipulates:

“ 9.4. **Monitoring Mechanism**

xxxxxx.....xxx.....

1. *All precaution shall be taken to ensure that the water stream flows unhindered and process of Natural river meandering doesn't get affected due to mining activity.*
2. *River mining from outside shall not affect rivers, no mining shall be permitted in an area up to a width of 100 meters from the active edge of embankments or distance prescribed by the Irrigation department.*
3. *The mining from the area outside river bed shall be permitted subject to the condition that a safety margin of two meters (2 m) shall be maintained above the groundwater table while undertaking mining and no mining operation shall be permissible below this level unless specific permission is obtained from the Competent Authority. Further, the mining should not exceed nine-meter (9 m) at any point in time.*
4. *Survey shall be carried out for identifying the stretches having habitation of freshwater turtles or turtle nesting zones. Similarly, stretches shall be identified for other species of significant importance to the river ecosystem. Such stretch with adequate buffer distance shall be declared as no-mining zone and no mining shall be permitted. The regulatory authority as defined for granting Environmental Clearance, while considering the application of issuance of ToR and/or EC for the adjacent block (to non-mining zone) of mining shall take due precaution and impose requisite conditions to safeguard the interest of such species of importance.*
5. *District administration shall provide detailed information on its website about the sand mines in its district for public information, with an objective to extend all information in public domain so that the citizens are aware of the mining activities and can also report to the district administration on any deviation observed. Appropriate feedback and its redressal mechanism shall also be made operational. The details shall include, but not limited to, lease area, geo-coordinates of lease area and mineable area, transport routes, permitted capacity, regulatory conditions for operation including mining, environmental and social commitments etc.*
6. *A website needs to be maintain to track the movement of centralised sand mining and a Centralised server system should be made to manage the data related to sand mining across India.*
7. *The mineral concession holders shall maintain electronic weighbridges at the appropriate location identified by the district mining officer, in order to ensure that all mined minerals from that particular mine are accounted for before the material is dispatched from the mine. The weighing bridge shall have the provision of CCTV camera and all dispatch from the mine shall be accounted for.*

8. *The mineral movement shall be monitored and controlled through the use of transit permit with security features like printing on IBA approved MICR papers, Unique bar/QR, fugitive ink background, invisible ink mark, void pantographs and watermarks papers or through use of RFID tagged transit permits and IT /IT-enabled services. Such monitoring system shall be created and made operationalised by State Mining department and district level mining officer shall be responsible for ensuring that all legal and operational mines are connected and providing the requisite information on the system. Regular check and associated report shall be submitted to DLTF and uploaded on the website.*

9. **State Government shall constitute a District Level Task Force (DLTF) under the Chairmanship of Deputy Commissioner/District Magistrate/Collector with Superintendents of Police and other related senior functionaries (District Forest Officer, District transport officer, Regional officer- SPCBs, Senior Officer of Irrigation Department, District Mining Officer) with one/two independent member nominated by the Commissioner concerned. The independent member shall be retired government officials/teacher or ex-serviceman or ex-judiciary member.**

The DLTF shall keep regular watch over the mining activities and movement of minerals in the district. The DLTF shall have its regular meeting, preferably every month to reconcile the information from the mining activity, and other observations made during the month and take appropriate corrective and remedial action, which may include a recommendation for revoking mining lease or environmental clearance. The DLTF may constitute an independent committee of the expert to assess the environmental or ecological damage caused due to illegal mining and recommend recovery of environmental compensation from the miner's concern. The recommendation may also include action under the provision of E(P) Act, 1986.

10. *The area not identified for mining due to restriction or otherwise are also to be monitored on a regular basis by the DLTF. Any observations of mining activity from the restricted area shall be reported and corrective measures shall be initiated on an urgent basis by the DLTF.*

11. *The dispatch routes shall be defined in the Environmental Clearance and shall be avoided through densely habituated area and the increase in the number of vehicle movement on the road shall be in agreement with the IRC guidelines / carrying capacity of the road. The alternate and dedicated route shall be explored and preferred for movement of mining to avoid inconvenience to the local habitat. The mining production capacity, by volume/weight, shall be governed by total permissible dispatch calculated based on*

the carrying capacity of dispatch link roads and accordingly, the production should be regulated.

12. *The movement of minerals shall be reconciled with the data collected from the mines and various Naka/check posts. Other measures may also include a general survey of the potential mineable area in the district which has not been leased/auctioned or permitted for mining due to regulatory or other reasons.*
13. *The location and number of check post requirement shall be reviewed by DLTF on a regular basis so that appropriate changes in location/number could be made as per the requirement. Such review shall be carried out on a regular basis for the district on inter-state boundary or district providing multiple passages between two districts of different states.*
14. *The district administration shall compile the information from their district of the permitted and legal mined out minerals and other details and share such information and intelligence with the officials of the adjoining district (Inter or/and Intra State) for reconciliation. The information shall include the area of operation, permissible quantity, mined out minerals (production) the permitted route etc., and other observations, especially where the mine lease boundary is congruent with the district boundary. Such coordination meeting shall be held on a quarterly basis, alternatively in two district headquarters or any other site in two districts decided mutually by the District Magistrate.*
15. *The mining department shall include submission of an annual environmental audit report as one of the conditions in the mining lease agreement. The annual audit for each river bed mining lease shall be carried out and the audit report shall be uploaded on the website of district administration. The audit shall be carried out by an independent team of 3 members nominated by District Collector/Magistrate/Commissioner comprising of Ex-Serviceman, Ex-Government officials of repute, Professor or Person having experience of mining/environment. The guidelines and method of the audit shall reflect adequately the monitor-able parameters and output and reflect the compliance status with respect to the conditions imposed by the regulatory authorities including conditions of Environmental clearance.*
16. *The in-situ and ex-situ environmental mitigative measures stipulated as EMP, CER, CSR and other environmental and safety conditions in mines including the welfare of labours shall properly reflect in the audit report.*

9.5 Suggestive additional requirements are

i. The requirement at the Mine Lease Site:

- a. *Small Size Plot (Up to 5 hectares): Android Based Smart Phone.*
- b. *Large Size Plots (More than 5 hectares): CCTV camera, Personal Computer (PC), Internet Connection, Power Back up.*
- c. *Access control of mine lease site.*
- d. *Arrangement for weight or approximation of the weight of mined out mineral on the basis of the volume of the trailer of vehicle used.*

ii. Scanning of Transport Permit or Receipt and Uploading on Server:

- a. *Website: Scanning of receipt on mining site can be done through barcode scanner and computer using the software;*
- b. *Android Application: Scanning on mining site can be done using Android Application using a smartphone. It will require internet availability on SIM card;*
- c. *SMS: Transport Permit or Receipt shall be uploaded on the server even by sending SMS through mobile. Once Transport Permit or Receipt get uploaded, a unique invoice code gets generated with its validity period.*

iii. Proposed working of the system:

The State Mining Department should print the Transport Permit or Receipt with security features and issue them to the mining leaseholder through the District Collector. Once these Transport Permits or Receipts are issued, they would be uploaded on the server against that mine lease area. Each receipt should be preferable with pre-fixed quantity, so the total quantity gets determined for the receipts issued. When the Transport Permit or Receipt barcode gets scanned and invoice is generated, that particular barcode gets used and its validity time is recorded on the server. So all the details of transporting of mined out material can be captured on the server and the Transport Permit or Receipt cannot be reused.

iv. Checking On Route:

The staff deployed for the purpose of checking of vehicles carrying mined mineral should be in a position to check the validity of Transport Permit or Receipt by scanning them using the website, Android Application and SMS.

v. Breakdown of Vehicle:

In case the vehicle break-down, the validity of Transport Permit or Receipt shall be extended by sending SMS by the driver in specific format to report the breakdown of the vehicle. The server will register this information and register the breakdown. The State can also establish a call center, which can register breakdowns of such vehicles and extend

the validity period. The subsequent restart of the vehicle also should be similarly reported to the server or call center.

vi. Tracking of Vehicles:

The route of the vehicle from source to destination can be tracked through the system using checkpoints, RFID Tags, and GPS tracking.

vii. Alerts or Report Generation and Action Review:

The system will enable the authorities to develop a periodic report on different parameters like daily lifting report, vehicle log or history, lifting against allocation, and total lifting. The system can be used to generate auto mails or SMS. This will enable the District Collector or District Magistrate to get all the relevant details and shall enable the authority to block the scanning facility of any site found to be indulged in irregularity. Whenever any authority intercepts any vehicle transporting illegal sand, it shall get registered on the server and shall be mandatory for the officer to fill in the report on action taken. Every intercepted vehicle shall be tracked.

The monitoring of mined out mineral, environmental clearance conditions and enforcement of Environment Management Plan will be ensured by the regulatory authority and the State Pollution Control Board or Committee. The monitoring arrangements envisaged above shall be put in place. The monitoring of enforcement of environmental clearance conditions shall be done by the Central Pollution Control Board, Ministry of Environment, Forest and Climate Change and the agency nominated by the Ministry for the purpose.

Some of the State has followed the SSMMG-2016 and has also improvised or customized on the provisions given therein, and are successfully in operation. Salient provision adopted at different stages of sand mining in the state of Tamil Nadu is given as **Annexure VIII**.

9.6 Actions against illegal excavation and transport

Solapur district administration in Maharashtra had adopted a multi-pronged strategy to penalize the persons involved in illegal excavation and transport which resulted in a significant increase in revenue earned by the state. Following rules and procedures as mentioned in these guidelines will add to the costs of PP. Those involved in illegal activities are not required to bear these costs and this will make their supply in the market cheaper (though illegal). This will put the players running their business by following rules and procedures laid down by the government to disadvantage as far as the selling price is considered. Therefore, it is necessary to come down heavily on those involved in illegal excavation/transport, so that there is no incentive for players to abide by the rules.

The following action may be taken to achieve this deterrence against illegal business:

1. The action should be taken under all legal options available simultaneously. Thus, after identifying the case of illegal excavation, storage and/or transport of minor minerals (including sand), fine should be levied as per the land revenue laws/code(s) of the state. In addition, FIR should be lodged in the police station under relevant sections of law including sec 379 IPC. In addition, action under the Motor Vehicle Act, 1989 and relevant rules should initiate to cancel/suspend the driving license of the driver and permit of the vehicle. Further, action should be initiated under provisions in the Income Tax Act, 1961 for unaccounted income and under the Central Goods and Services Act, 2017 for nonpayment of GST. (Earlier this was done under the state act pertaining to Value Added Tax/Sales Tax). Habitual offenders should also be taken up under local state laws for externment and/or preventive action. It is clarified that as per law, it is possible to take all actions under various laws simultaneously for one offence. What is prohibited in law is an action under the same law for the same act more than once.
2. The action should be taken against all persons responsible. Often, there is a tendency to penalize only the drivers of the vehicles. The mafia of illegal mining and transport is much bigger and drivers are only one part of the system. It is necessary to identify all those involved in the offence. It is usually not possible to reach the place of excavation without creating a motorable pathway up to the same through land which may be private land. Such role of such landowners needs to be looked into for each offence and proceeded against simultaneously. Further, the role of vehicle owners needs to be probed. Role of the person who allowed his land to be used for illegal excavation and storage should also be examined. Lastly, the person who purchases such sand should also be probed. The legal proceedings stated above needs to be initiated against all of these together. An attempt should be made to fix the financial responsibility in joint and several ways so that recovery is easier.
3. There may be discretion available in law about the extent of the penalty to be levied. If such discretion is very wide, then it is advisable that guidelines may be laid down to reduce such discretion in law for levying penalties. For example, in Maharashtra, Land Revenue Code, fine of any amount of penalty up to thrice the value of the sand can be levied. Solapur district administration had instructed Tahsildars and SDMs not to use discretion and levy the fine of three times the value. Availability of discretion makes junior level functionaries susceptible to pressures and it may also lead to corrupt practices.

4. It is emphasized that actions, as stated above, are most important to ensure that the IT-based system works. If these exemplary actions are not taken against everyone, it shall create a strong disincentive to those involved in legal, excavation and transportation. For IT-based (or any other) legal system to work, it is necessary to ensure that illegal system stops working altogether.”

19. Several formats have been suggested in the Annexures, apart from salient provisions in the State of Tamil Nadu before execution of the mining lease and after execution of such lease including **judicious mined closure plan, reclamation, removal of sheds and maintaining of record for future reference.**

Compliance Status in States – Context of UP

20. We now refer to the Oversight Committee report dated 15.01.2021 for the State of UP with regard to status of compliance of Sustainable Guidelines as follows:-

S. No.	Directions by Hon'ble NGT	Compliance Status (Yes/No)	Compliance Status
1.	Status of the progress in ensuring issues related to illegal sand mining in the State of Uttar Pradesh	Partially Complied	For effective control of illegal mining and transportation of minerals, a seven-member District level Task Force has been constituted under the chairmanship of District Magistrate vide Govt. Order no. 616/86-2018-371/2005 dated 20.03.2018. Under the Integrated Mines Surveillance System (IMSS), 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. At present, there are 36000 registered vehicles and 310 Weigh Bridges have been established.
2.	Demarcation of boundaries for regulating grant of sand mining lease	Partially Complied	Rule-23 of the Uttar Pradesh Sub-Divisional (Avoidance) Rules, 1963 as amended, provides for the advertisement of an area with Geo-coordinates and Rule-17 mentions the Geo-coordinates of all boundaries of the area sanctioned. These are being followed by all the District Magistrates.

3.	Environmental Compensation imposed on leasing of minor minerals in any area to cover the restoration cost of environment and to compensate the victims	Partially Complied	There is provision for execution of mining lease deed only after demarcation under rule-17 of the Mining lease Approval Rules, 1963.
4.	Status of the constitution of a team to carry out demarcation by the Chief Secretary	Partially Complied	Under Rule-17 of the Uttar Pradesh Sub-Divisional (Avoidance) Rules, 1963, there is a provision for survey/demarcation of the area by an authorized officer/employee of the Directorate of Geology and Mining. A separate team is not justified at the level of Chief Secretary
5.	Mining in all blocks is undertaken as per provisions of EIA Notification, 2006; MOEF Notification dated 15.1.2016 and the Sustainable Sand Mining Management Guidelines, 2016	Partially Complied	i. Rule 34(4) of Rules-1963 contains the provision for obtaining Environmental Clearance before commencement of mining in the sequence of notification dated 14.09.2006 and the notification as amended from time to time. ii. According to the Sustainable Sand Mining Management Guidelines, 2016 issued by MOEF&CC, mining work is restricted from the riverbed during the monsoon season. Thus, mining work is restricted in the month of July, August and September in the State.
6.	No sand mining is permitted without due compliance of the 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	Partially Complied	Rule- 41(J)(1) of the 1963 Rules envisages that no mining operations in the leveled river bed shall be carried out beyond the depth of 3 meters or water level whichever is less/lower. The conditions mentioned in the Environmental Cleanliness Certificate issued by the State Level Environmental Impact Authority (SEIAA), are being followed.
7.	District authorities shall seize all sump pumps, other machinery, tools, vehicles, etc. used for carrying out illegal sand mining.	Partially Complied	Report awaited
8.	Any penalty imposed or not by concerned Department to cover the restoration cost of environment and to compensate the victims.	Partially Complied	The orders of Hon'ble NGT dated 18.02.2016 in OA No. 184/2013 Gurpreet Singh Baggha vs. MOEF, regarding recovery of penalty/environmental damage from the concerned lease holders are being complied at district level.
9.	Status of a detailed restoration plan for the concerned river and its river beds	Partially Complied	Mining work is being done on the basis of approved mining scheme by including the restoration plan in the mining plan.

10	Status of the assessment done through Indian Council of Forestry Research and Education, Dehradun of the ecological damage on account of illegal mining by incorporating the given components: a) Cost of river bed material b) Cost of ecological restoration c) Net present value of the future ecosystem services.	Partially Complied	In OA No. 184/2013 Gurpreet Singh Bagga vs. MOEF, the action is being taken by conducting assessment of environmental damage in compliance with Indian Council of Forestry Research and Education, Dehradun.
11	Action against the polluters and the erring officers	Not Complied	Report awaited
12	Status of CCTV Cameras installation at mining points to verify the amount of sand extracted	Partially Complied	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 constructs checkpost/gate and install 4 CCTV cameras capable of recording at 360° visibility at his own expense for monitoring. Under the supervision of the DMs.
13	Status of regular patrolling by the police to inspect the mining operations	Partially Complied	For effective control over illegal mining and transportation of minerals, a seven-member district level task force has been set up under the chairmanship of DM vide order no. 616/86-2018-371/2005 dated 20.03.2018. 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.
14	Status of daily reports regarding mining to be filed by SHO/ Mining officer to be sent to District Magistrate.	Partially Complied	According to the information received from the DM, Prayagraj in compliance of the order of Hon'ble NGT passed in OA No. 670/2018 in re: Atul Singh Chauhan vs. MOEF&CC and Ors., regular checking of illegal mining transportation is being done by the Task force constituted at the district level. The District Collector/ Senior Superintendent of Police, Prayagraj are regularly informed.
15	Status of vehicles confiscation	Partially Complied	In compliance of orders of Hon'ble NGT in OA No. 670/2018 in re: Atul Singh Chauhan vs. MOEF&CC and Ors., in district Prayagraj 06 chargesheets were filed in the financial year 2018- 19; 80 chargesheets filed in 2019-20 and in the year 2020-21 till the month of November, 2020, 150 FIRs and 214 cases have been filed in the competent Courts, including the order passed by Hon'ble NGT. Similar instructions have also been issued to the other districts regarding the above.

16	Status of EC imposed and realized by the CPCB till date in this regard	Partially Complied	<p>In compliance of Order dated 05.04.2019 of Hon'ble NGT, Principal Bench in O.A. 360 of 2015 (13 clubbed cases), CPCB in NGT on 06.01.2020 the "Recommendations on Scale of Compensation to deal with the cases of illegal sand mining" were made by the Committee of Experts constituted by Hon'ble NGT. The Committee of Expert recommended two approaches regarding the scale of compensation to deal with the cases of illegal sand mining:</p> <ol style="list-style-type: none"> 1. Direct Compensation based on the market value of extraction, adjusted for ecological damages 2. Computing a Simplified NPV for ecological damages. <p>The above referred recommendations were initially taken up by Hon'ble NGT during the hearing on 08.01.2020 wherein Hon'ble NGT expressed prima facie deficiencies in the recommendations and directed for rectification of the deficiencies before the next date. Accordingly, the Committee of Experts reviewed and revised its recommendations, and CPCB filed in NGT on 30.01.2020 the revised "Recommendations on Scale of Compensation to deal with the cases of illegal sand mining" of the Committee of Experts constituted by Hon'ble NGT. The scale of compensation was calculated by adopting two approaches. For details of approach, I & II refer Appendix- VI. It was also suggested by the Hon'ble NGT vide its order dated 17/08/2020 to consider the suggestions of Shri Panjwani which were noted at point no 13 needs to be looked into by the same Committee and thereafter the Scale of Compensation finalized (Refer Appendix- VII).</p> <p>In compliance of the Hon'ble NGT direction, the matter was examined by the same expert Committee at CPCB, Delhi & found that more or less the formula suggested by committee and the methodology suggested by Shri Panjwani is similar except some of the factors. The details of same are noted at point no. 3 of the affidavits is submitted before the Hon'ble NGT by CPCB on 12.10.2020. Copy of same is enclosed as Appendix-VIII.</p>
17	Status of EC imposed and realized by the UPPCB till date in this regard	Partially Complied	<p>In compliance of Order dated 08.01.2020 of Hon'ble NGT in O.A. 360 of 2015 are given at Appendix -IX of the report</p>

18	Status of setting up of dedicated institutional mechanism for monitoring of conditions of Environmental Clearance as granted under EIA Notification, 2006 in respect of sand and gravel mining.	Partially Complied	Under the supervision of the DMs in the districts, the conditions of the Environmental Clearance Certificate are complied with by the PCBs/ Departmental officers. A separate institutional mechanism has been established for the same.
19	Safeguards based on High Powered Committee report and observations into the Sustainable Sand Mining and Management Guidelines, 2016.	Partially Complied	MOEF& CC is following the Sustainable Sand Mining Management Guidelines, 2016. (Refer Appendix- X)
20	Necessary steps have been taken by District Administration for the effective monitoring mechanisms for preventive and remedial measures including surveillance system for recovery of compensation.	Not Complied	Action will be taken after necessary amendments in environmental regulations. As per information given by the Mr. A.K. Tiwari, UPPCB on 07.01.2021 that: Comments: In compliance of Hon'ble NGT order dated 17.08.2020 in OA No. 360/2015 and as per provision of 'Enforcement & Monitoring Guidelines for Sand Mining' Jan., 2020 issued by MOEF&CC, Govt. of India, action is to be taken by concerned District Administration. (Refer Appendix- XI)
21	Necessary steps have been taken by MOEF & CC to restore effective impact assessment and safeguards; any action taken against the erring officers	Not Complied	Report awaited
22	Status of Chief Secretary filed the report regarding recovery of compensation (i.e. damage to environment)	Not Complied	Report awaited

23	Whether there is any progress towards amendments of the Act/Rules so that the Courts can order for the fine as ordered by Hon'ble NGT.	Not Complied	<p>As per information given by the Mr. A.K. Tiwari, UPPCB on 07.01.2021 that: Comments: In compliance of Hon'ble Supreme Court Judgement dated the 27.02.2012 in I.A. No. 12-13 in Special Leave Petition (C) No. 19628-19629 of 2009, in the matter of Deepak Kumar etc. Vs. State of Haryana and Others and in compliance of Hon'ble NGT directions dated 04.09.2018 in O.A. No. 173/2018 in the matter of Sudarsan Das Vs. State of West Bengal, MOEF&CC, Govt. of India has issued 'Enforcement & Monitoring Guidelines for Sand Mining' Jan., 2020 which has the following provisions regarding illegal mining:</p> <p>"As per the provision of 23 (C) of MMDR Act, the State Government is empowered to make rules for preventing illegal mining, and transportation & storage of illegal minerals. All such mining which qualifies under illegal shall be dealt with in the provision of MMDR Act the concern authorities".</p> <p>In the above circumstance the necessary amendments in Mining Regulation/ The Uttar Pradesh SubDivisional (Avoidance) Rules, 1963 is to be initiated by the Mines & Geology Department, Govt. of U.P. (Refer Appendix- XI).</p>
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Additional Information provided by Mines Department

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. They are using Artificial Intelligence based Software and taking the help of Drones and Cloud Services for monitoring mining activity in the State. Drone Videography has been done in sensitive districts- Fatehpur, Banda, Prayagraj and Saharanpur. Besides the CCTV Cameras, they are using RFID tags to monitor the movement of vehicles.**
2. They have 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.
3. They have amended the Rules to allow storage of minerals beyond 5Km radius from the riverbed. This has been done to prevent illegal mining from river bed under the alibi of storage.
4. **They have established a Vehicle Tracking System to check the misuse of Transport Pass and Overloading. To begin with, this system has been introduced in the most sensitive districts of Hamirpur, Banda, Fatehpur, Jalaun and Jhansi.**

5. *New areas have been identified based on survey conducted according to Sustainable Mining Guidelines and they are being included in the DSR.*
6. *Instead of the printed MM-11, online royalty payment has been introduced through E- MM- 11.*
7. *Security features have been introduced in E-MM 11 to check its misuse.*
8. *Transport of minerals even from stores is being regulated through electronic E- forms.*

Observation of the Oversight Committee: *The Committee felt that the compliance of the Mining Department needs to be verified by independent sources. CPCB and UPPCB are being directed by the Committee to jointly verify the compliance. The report would be submitted in three months time.*

VI. RECOMMENDATIONS

1. *There have been a number of complaints regarding illegal mining specially in Districts of Hamirpur, Banda, Fatehpur, Jalaun, Prayagraj, Saharanpur and Jhansi. The Oversight Committee, while enclosing the newspaper cuttings has asked for a status report from the Directorate of Mining, which so far has not been received. **Illegal Mining is mining done without a Mining Plan in utter violation of environmental norms and is a grave threat to ecology and environment.** The State Government should have a zero tolerance on illegal mining and the Directorate of Mining and District Administration should immediately enquire into all such cases and if found correct take stringent legal action against the guilty.*
2. *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 in surveillance, patrolling and enforcement. **Electronic surveillance through UAVs/Remote Sensing is a good surveillance option especially in areas where sand mafias are active. Night vision drones could be used for checking mining activity at night. Sensitive spots need to be identified and police presence- both static presence and dynamic patrolling needs to be beefed up there. DMs / SSPs be made directly responsible for checking illegal mining.***
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 per force indulges in mining adjoining areas, some of which may be environmentally not very suitable. Before award of LOI, physical inspection should be mandatory.***
5. ***Areas where only few leases are operative and the rest are not settled/surrendered need to be carefully analyzed. 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. (In district Prayagraj, there is only one operative lease out of 51 leases).***
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. *All 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. ***Direction may be issued to the Principal Secretary, Mining to take immediate steps for amendment of rules so that the Courts may order the fine as ordered by the Hon'ble NGT."***

Stand of State of MP

21. The State of MP has filed an affidavit on 13.01.2021 that necessary changes have been made in accordance with the directions of this Tribunal dated for procedure for granting EC in accordance with the directions of this Tribunal in the order dated 13.9.2018 in Satendra Pande, by constituting a Committee. Order dated 12.10.2020 was issued by the State of Madhya Pradesh on the subject. There is a proposal to amend the Minor Minerals Rules and also to introduce technology to prevent illegal mining using QR Code for transit passes, pool SMS facility to ascertain validity of electronic passes, google distance matrix to avoid multiple usage of single transit pass, web portal and mobile App to verify validity of electronic transit pass. It is not necessary to refer to the affidavits of other individual States in view of the fact that final and updated directions are now being issued in the light of which all the States/UTs are expected to take further steps in the matter.

Stand of State of Rajasthan

22. In the status report, filed by the State of Rajasthan on 16.10.2020, it is stated that the Chief Secretary Environment Cell has been established. It holds regular meetings with the District Magistrates. Meeting was also held with the Director General of Police (law and order), Secretary Home, Director Mines, all District Collectors, Dy. Conservators of Forest and other concerned officers. Directions have been issued for formation of SITs,

monitoring cases of illegal mining, setting up of special check posts on the routes used for illegal mining, ensuring CCTV surveillance, strict recovery of environmental compensation fee, etc. Directions have issued to District Magistrates to create awareness at Panchayat level. The Chief Secretary proposes proposed to issue comprehensive guidelines. Mining Department has also taken up a project for creating redressal portal and mobile app for reporting illegal mining.

Today's Consideration

23. The extent of challenge posed by illegal sand mining was noted by the Tribunal in the order dated 05.04.2019 in OA 360/2015 as follows:-

"8. Despite this, the menace of illegal sand mining in India continues unabated. As per reports, the sand business in India employs over 35 million people and is valued at well over \$126 billion per annum. In the year 2015-2016, there were over 19,000 cases of illegal minor minerals including sand in the country.⁴ In Uttarakhand, a 115 years old bridge collapsed due to overloaded sand trucks. In Maharashtra, 26,628 cases of illegal sand mining were recorded in the year 2017. The State of Maharashtra has the highest number of cases of non-compliance of Sustainable Sand Mining Management Guidelines, 2016. The State of Kerala suffered hugely in 2004 Tsunami and 2018 floods which several report explain were aggravated by illegal sand extraction.⁵ The issue of illegal sand mining is also rampant in the states of Goa⁶, Bihar⁷, Tamil Nadu⁸, Uttarakhand⁹, Telangana¹⁰, Jammu and Kashmir¹¹ amidst others."

24. In view of resume of above orders and responses, the issue which survives for consideration is enforcement of the 2016 and 2020 guidelines, read with orders dated 19.2.2020, 14.10.2020, 4.11.2020 and observations herein, by evolving appropriate comprehensive monitoring

⁴<http://www.legalserviceindia.com/legal/article-73-why-is-illegal-sand-mining-harmful-.html>

⁵<https://sandrp.in/2019/03/01/sand-mining-2018-is-it-a-national-menace/>

⁶<https://timesofindia.indiatimes.com/city/goa/govt-is-ignoring-illegal-sand-mining/articleshow/67908428.cms>

⁷<https://www.firstpost.com/india/illegal-sand-mining-part-3-bihar-govts-attempted-crackdown-has-sent-prices-soaring-officials-face-axe-as-rivers-in-ruin-6008351.html>

⁸https://en.wikipedia.org/wiki/Sand_mining_in_Tamil_Nadu

⁹<https://sandrp.in/tag/uttarakhand-sand-mining/>

¹⁰<https://sandrp.in/2019/02/26/sand-mining-2018-telangana-and-andhra-pradesh/>

¹¹https://greaterkashmir.com/article/news.aspx?story_id=309365&catid=2&mid=53&AspxAutoDetectCookieSupport=1

mechanism, with designated accountable officers, grievance redressal mechanism, envisaging strict action against violators, including assessment and recovery of compensation for the violations, seizure of vehicles and review at higher levels in the State.

Compensation

25. In the light of discussion in para 12 above, having regard to the totality of the situation, **we accept the report of the CPCB and direct that the scale of compensation calculated with reference to approach II be adopted by all the States/UTs.** Though compensation assessment for damage to the environment is a dynamic concept, depending on variables, floor level formula can be worked out to avoid arbitrariness inherent in unguided discretion. **The CPCB may issue an appropriate statutory direction for the facility of monitoring and compliance to the Environment Secretaries of all the States/UTs who may forthwith evolve an appropriate mechanism for assessment and recovery of compensation in all Districts of the State. The recovered compensation may be kept in a separate account and utilized for restoration of environment by preparing an appropriate action plan under the directions of the Environment Secretary with the assistance of such individual/ institutions as may be considered necessary.**

Interaction for Effective enforcement

26. The above discussion shows that the problem has defied solution and unless tackled seriously, damage to the environment will continue. Clear road map is thus required with effective monitoring mechanism. Report of the Oversight Committee for UP and affidavit of the State of MP, the report from Rajasthan and some other States also show that effective

mechanism is lacking. For clarity on all issues, periodic interaction of stake holders, particularly the enforcement authorities is required. This will also facilitate engagement of accredited agencies/experts for preparing DSRs/replenishment studies. In the Central Government, the concerned authorities include Mining Ministry, Environment Ministry, Jalshakti Ministry and CPCB. In States, Departments of Mining, Environment, SEIAA, PCB and District Magistrates.

Enforcement of Monitoring Mechanism and review by the Chief Secretary at State level and Secretary MoEF&CC at National level

27. We direct all the States/UTs to strictly follow the SSMG-2016 read with EMGSM-2020 reinforced by mechanism for preparation of DSRs (in terms of directions of this Tribunal dated 14.10.2020 in Pawan Kumar, supra and 04.11.2020 in Rupesh Pethe, supra), Environment Management Plans, replenishment studies, mine closure plans, grant of EC (in terms of direction dated 13.09.2018 in Satendra Pandey, supra), assessment and recovery of compensation (as per discussion in Para 25), seizure and release of vehicles involved in illegal mining (in terms of order dated 19.02.2020 in Mushtakeem, supra), other safeguards against violations, grievance redressal, accountability of the designated officers and periodical review at higher levels. As already noted, EMGSM-2020 contemplates extensive use of digital technology, including remote sensing.

28. We further direct that periodic inspection be conducted by a five-members Committee, headed and coordinated by the SEIAA and comprising CPCB (wherever it has regional office), State PCB and two expert members of SEAC dealing with the subject. Where CPCB regional office is not available, if MoEF&CC regional office is available, its Regional Officer will be included in the Committee.

Where neither CPCB nor MoEF&CC regional office exists, Chairman, SEIAA will tie up with the nearest institution of repute such as IIT to nominate an expert for being included in the Committee. Such inspection must be conducted at least thrice for each lease i.e. after expiry of 25% the lease period, then after 50% of the period and finally six months before expiry of the lease period for midway correction and assessment of damage, if any. The reports of such inspections be acted upon and placed on website of the SEIAA. Every lessee, undertaking mining, must have an environment professional to facilitate sustainable mining in terms of the mining plan and environmental norms. This be overseen by the SEIAA. Environment Departments may also develop an appropriate mobile App for receiving and redressing the grievances against the sand mining, including connivance of the authorities and also a mechanism to fix accountability of the concerned officers. Recommendations of the Oversight Committee for the State of UP quoted earlier may be duly taken into account.

The mechanism must provide for review at the level of the Chief Secretary at least once in every quarter, in a meeting with all concerned Departments in the State. The Chief Secretary UP may ensure further action in the light of the report of the Oversight Committee.

Similarly, at National level, such review needs to be conducted atleast once in a year by the Secretary, Environment in coordination with the Secretaries Mining and Jalshakti Ministries the CPCB.

Publication of Annual Reports

29. We further direct all the States/UTs to publish their annual reports on the subject and such annual reports may be furnished to

MoEF&CC by 30th April every year giving status till 31st March. First such report as on 31.03.2022 may be filed with the MoEF&CC by all the States/UTs on or before 30.04.2022. The report may also be simultaneously posted on the website of the Environment Department of the States/UTs. Based on such reports, MoEF&CC may consider supplementing its Guidelines from time to time. The MoEF&CC may prepare a consolidated report considering the reports from the States/UTs and publish its own report on the subject, preferably by 31st May every year.

Interaction at National Level

30. We direct the Secretary MoEF to convene a meeting in coordination with the CPCB and Mining and Jalshakti Ministries of Central Government and such other experts/individuals at National level and representatives of States within three months for interaction on the subject which may be followed by such meetings being convened by the Chief Secretaries in all States in next three months. Holding of such meetings will provide clarity on enforcement strategies and help protection of environment.

All the applications are disposed of. Individual issues may be gone into in accordance with the mechanism to be involved as above.

A copy of this order be forwarded to the MoEF&CC, CPCB, Secretaries, Ministries of Jalshakti and Mining, GoI, Chief Secretaries, Environment Secretaries, SEIAA and State PCBs/PCCs and District Magistrates of all the States/UTs by e-mail for compliance.

Adarsh Kumar Goel, CP

S.K. Singh, JM

Dr. Nagin Nanda, EM

February 26, 2021
Original Application No. 360/2015
and other connected matters
DV & A



ਦਫਤਰ ਜਿਲਾ ਮੰਡੀ ਅਫਸਰ ਪੰਜਾਬ ਮੰਡੀ ਬੋਰਡ (ਨਵੀਂ ਅਨਾਜ ਮੰਡੀ ਸਰਹਿੰਦ) ਫਤਿਹਗੜ੍ਹ ਸਾਹਿਬ
e-mail id: pmb.dmofgsahib@punjab.gov.in

ਪੱਤਰ ਨੰ: 3063

ਮਿਤੀ: 24/12/2021

ਕਾਰਜਕਾਰੀ ਇੰਜੀਨੀਅਰ,
ਪੀ.ਡਬਲਿਊ.ਡੀ.(ਬੀ.ਐਂਡ ਆਰ),
ਰੋਪੜ ਅੱਡਾ, ਸਰਹਿੰਦ।

ਵਿਸ਼ਾ:- Meeting to review the action taken on the report on visit to the sites made on 09.12.2021 w.r.t complaint regarding illegal excavation/mining of soil in agriculture fields of village Bhallmajra and adjoining villages, Near Chanarthal in Distt Fatehgarh Sahib by the Monitoring Committee in compliance to order dated 10.11.2021 in O.A. no 294 of 2021 in the matter of Singh Jindalpuria s/o Surjit Singh, Village Jindapuria, Distt Fatehgarh Sahib on 28.12.2021 at 11.00 Am in the office monitoring committee at Forest Complex, Sector-68, SAS Nagar.

ਹਵਾਲਾ:- ਆਪ ਜੀ ਦਾ ਈ-ਮੇਲ ਸੰਦੇਸ਼ ਮਿਤੀ 24.12.2021

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਤੇ ਹਵਾਲੇ ਵਿੱਚ ਦਰਜ ਪੱਤਰ ਸਬੰਧੀ ਲਿਖਿਆ ਜਾਂਦਾ ਹੈ ਕਿ ਲਿੰਕ ਸੜਕਾਂ ਨਾਲ ਸਬੰਧਤ ਸਾਰਾ ਕੰਮ ਪੀ.ਡਬਲਿਊ.ਡੀ.(ਬੀ.ਐਂਡ ਆਰ) ਪਾਸ ਹੈ। ਇਸ ਲਈ ਅੱਗੇ ਤੋਂ ਇਸ ਸਬੰਧੀ ਸਾਰੀ ਲਿਖਾ-ਪੜੀ ਕਾਰਜਕਾਰੀ ਇੰਜੀਨੀਅਰ, ਪੀ.ਡਬਲਿਊ.ਡੀ. (ਬੀ.ਐਂਡ ਆਰ) ਰੋਪੜ ਅੱਡਾ, ਸਰਹਿੰਦ (Email id: eeedsirhindpwdpb@gmail.com) ਦੇ ਦਫਤਰ ਨਾਲ ਕਰਨ ਦੀ ਖੋਚਲ ਕੀਤੀ ਜਾਵੇ ਜੀ।

ਜ. ਸਿੰਘ
24/12/21
ਜਿਲਾ ਮੰਡੀ ਅਫਸਰ
ਫਤਿਹਗੜ੍ਹ ਸਾਹਿਬ

FORM 'R'
[See rule5(5)]
NOTICE

To

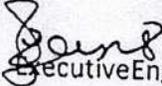
Sh.Gurmail singh ,S/Prem singh S/o mal Singh -9-50
Sh Amarjeet Singh S/o Sh Prem Singh S/o mal Singh -457/2650
Sh Satwinder Singh S/o,Sh. Prem singh,S/o Sh.mal singh -9-50
Sh.Bhinder Singh S/o Sh Prem Singh S/o mal Singh -9-50
Smt Bachan Kaur Widow/o Sh. Prem singh, S/o mal Singh -2-25
Sh Satwinder Singh S/o,Sh. Prem singh,S/o Sh.mal singh -21/530
Sh Taranveer singh S/o Sh.Kuldeep Singh S/o Sh. kidu singh -4/53
Sh.Kuldeep Singh, -S/o Sh. kidu singh,S/o Sh.Nika singh -49/530
Village Suhaghedi
Distt: Fatehgarh sahib.

Where it appear that you have raised Ordinary earth without lawful authority during the year 2020-21 from your land Khasra no. 28//6(6-4) Village Suhaghedi Distt: Fatehgarh Sahib in which mining is done .

You are, therefore directed to appear, in person or through a duly authorized representative before office of Executive Engineer-Cum-District Mining Officer, Drainage Division Patiala Barah Khuwa Complex, Nabha Road Patiala on dated 10-12-2021 at 11.30 AM (time) and to produce or cause to be produced at that time the accounts and documents specified below, lodge at that time any objection which you may wish to prefer in support thereof and produce any evidence in this regard.

In the event of your failure to comply with this notice, I shall proceed to access the royalty to the best of my judgment under Rule 85(5) of the Punjab Minor Mineral Rules, 2013 and furthermore you will be liable to prosecution under Ruled 76.

No. 1641-50
Date 6/12/2021
Place: Patiala


Executive Engineer-Cum-
District Mining Officer
Patiala Drainage Division
Patiala.

Particulars of accounts and documents required.

1. Particulars of Accounts and Documents required book of account for the month (s) in Question in general and records in support of the figures entered therein.
2. Any Other records showing the production of minerals.

Copy to:

Sarpanch Gram Panchayat Village Suhaaghedi Distt: Fatehgarh sahib to ensure that this letter must reach to above mentioned persons

Annexure-G

FORM 'R'
[See rule5(5)]
NOTICE

To

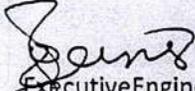
1. Sh.Nirbhah Singh S/o Sh Shamsher Singh S/o Sh. Basakha Singh-1/4
Sh.Gurjant Singh S/o Sh Samsher Singh S/o Sh. Basakha Singh-1/4
Sh.Kesar Singh S/o Sh Samsher Singh S/o Sh. Basakha Singh-1/4
2. Smt. Saravjeet Kaur Widow/o Sh Laxman Singh S/o Sh. Samsher Singh-1/4
Sh.Harchand Singh S/o Sh Harnam Singh S/o Sh. Basakha Singh,
Village Bhalmajra
Distt: Fatehgarh sahib.

Where it appear that you have raised Ordinary earth without lawful authority during the year 2020-21 from your land Khasra no. 13//13/1 R.no.(0-11)& Khasra no. 13//13/2 R.no.(6-16) (Village Bhalmajra Distt: Fatehgarh sahib in which mining is done .

You are, therefore directed to appear, in person or through a duly authorized representative before office of Executive Engineer-Cum-District Mining Officer, Drainage Division Patiala Barah Khuwa Complex, Nabha Road Patiala on dated 31-12-2021 at 11.30 AM (time) and to produce or cause to be produced at that time the accounts and documents specified below, lodge at that time any objection which you may wish to prefer in support thereof and produce any evidence in this regard.

In the event of your failure to comply with this notice, I shall proceed to access the royalty to the best of my judgment under Rule 85(5) of the Punjab Minor Mineral Rules, 2013 and furthermore you will be liable to prosecution under Ruled 76.

No. 1628-34
Date 6/12/21
Place: Patiala


Executive Engineer-Cum-
District Mining Officer
Patiala Drainage Division
Patiala.

Particulars of accounts and documents required.

1. Particulars of Accounts and Documents required book of account for the month (s) in Question in general and records in support of the figures entered therein.
2. Any Other records showing the production of minerals.

Copy to:

Sarpanch Gram Panchayat Village Bhalmajra Distt: Fatehgarh sahib to ensure that this letter must reach to above mentioned persons

Scanned with CamScanner

Annexure-H

FORM 'R'
[See rule5(5)]
NOTICE

To

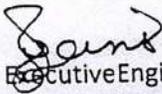
Smt Tej Kaur Mother/o Sh Rajwant singh S/o Sh Kirpal Singh -1/4
Smt Saranjeet Kaur W/o Sh Rajwant singh S/o Sh Kirpal Singh -1/4
Smt. Sandeep Kaur D/o Sh Rajwant Singh S/o Sh Kirpal Singh -1/4
Sh Harinder Singh S/o Sh Rajwant singh S/o Sh Kirpal Singh -1/4
Village Bhalmajra
Distt: Fatehgarh Sahib.

Where it appear that you have raised Ordinary earth without lawful authority during the year 2020-21 from your land Khasra no. 13//17(8-0) Village Bhalmajra Distt: Fatehgarh sahib in which mining is done .

You are, therefore directed to appear, in person or through a duly authorized representative before office of Executive Engineer-Cum-District Mining Officer, Drainage Division Patiala Barah Khuwa Complex, Nabha Road Patiala on dated 31-12-2021 at 11.30 AM (time) and to produce or cause to be produced at that time the accounts and documents specified below, lodge at that time any objection which you may wish to prefer in support thereof and produce any evidence in this regard.

In the event of your failure to comply with this notice, I shall proceed to access the royalty to the best of my judgment under Rule 85(5) of the Punjab Minor Mineral Rules, 2013 and furthermore you will be liable to prosecution under Ruled 76.

No. 1635-40
Date 6/12/2021
Place: Patiala


Executive Engineer-Cum-
District Mining Officer
Patiala Drainage Division
Patiala.

Particulars of accounts and documents required.

1. Particulars of Accounts and Documents required book of account for the month (s) in Question in general and records in support of the figures entered therein.
2. Any Other records showing the production of minerals.

Copy to:

Sarpanch Gram Panchayat Village Bhalmajra Distt: Fatehgarh sahib to ensure that this letter must reach to above mentioned persons

48/(R-Notice)

Scanned with CamScanner

Annexure-I

FORM 'R'
[See rule 85(5)]
NOTICE

To

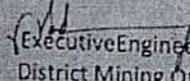
Sh. Gaganjit Singh S/O Sh. Arjun Singh S/o Harnam Singh-1/4
Sh. Pargat Singh S/O Sh. Arjun Singh S/o Harnam Singh-1/4
Sh. Sukhraj Singh S/o Sh. Bachan Singh S/o Harnam Singh-1/2
Village Sunderpura, Teh. & Distt. Fatehgarh Sahib.

Where it appear that you have raised Ordinary earth without lawful authority during the year 2021-22 from your land Khasra no. 24/1(7-2) village Sunderpura Teh. & Distt. Fatehgarh Sahib in which illegal mining is done.

You are, therefore directed to appear, in person or through a duly authorized representative before office of Executive Engineer-Cum-District Mining Officer, Drainage Division Patiala Barah Khuwa Complex, Nabha Road Patiala by 23/01/2022 and to produce or cause to be produced at that time the accounts and documents specified below, lodge at that time any objection which you may wish to prefer in support thereof and produce any evidence in this regard.

In the event of your failure to comply with this notice, I shall proceed to assess the royalty to the best of my judgment under Rule 85(5) of the Punjab Minor Mineral Rules, 2013 and furthermore you will be liable to prosecution under Ruled 76.

No. 1733-36
Date 24/12/2021
Place


Executive Engineer-Cum-Place: Patiala
District Mining Officer
Patiala

Particulars of accounts and documents required.

1. Particulars of Accounts and Documents required book of account for the month (s) in Question in general and records in support of the figures entered therein.
2. Any Other records showing the production of minerals.

Copy to

Sarpanch Gram Panchayat Village Sunderpura Distt Fatehgarh Sahib to ensure that this letter must reach to above mentioned persons

Annexure-7



Punjab Government Gazette

EXTRAORDINARY

Published by Authority

CHANDIGARH, MONDAY, DECEMBER 13, 2021 (AGRAHAYANA 22, 1943 SAKA)

GOVERNMENT OF PUNJAB
DEPARTMENT OF WATER RESOURCES
(MINES & GEOLOGY)

NOTIFICATION

The 13th December, 2021

No.PB/OFC/2021/6271.- In exercise of the powers conferred under Rule 90 of the Punjab Minor Mineral Rules, 2013 and all other powers enabling him in this behalf, the Governor of Punjab is pleased to declare the manual excavation of ordinary earth and ordinary clay (other than Brick Earth) from an area not exceeding 2 acres and depth not exceeding 3 feet or both, as non mining activity.

Sd/-

RAHUL BHANDARI,
Secretary to Government of Punjab,
Mines and Geology.

2463/12-2021/Pb. Govt. Press, S.A.S. Nagar

(4226)

ਕਾਰਜਕਾਰੀ ਇੰਜੀਨੀਅਰ,

ਉਸਾਰੀ ਮੰਡਲ, ਲੋਕ ਨਿਰਮਾਣ ਵਿਭਾਗ, ਭਵਨ ਤੇ ਮਾਰਗ ਸ਼ਾਖਾ, ਸਰਹਿੰਦ।

Email:- eecdsirhindpwdpb@gmail.com Phone:- 01763-222275

ਵੱਲ

ਡਿਪਟੀ ਕਮਿਸ਼ਨਰ,
ਜਿਲ੍ਹਾ ਫਤਹਿਗੜ੍ਹ ਸਾਹਿਬ

ਮੀਮੋ ਨੰ. 6740

ਮਿਤੀ. 22/12/21

ਡਿਪਟੀ ਕਮਿਸ਼ਨਰ
ਫਤਹਿਗੜ੍ਹ ਸਾਹਿਬ
✓ ਡੀ.ਸੀ.
✓ ਡੀ.ਸੀ.
ਸਬੰਧਤ ਖੁੱਲ੍ਹ ਅਫਸਰ AC (a)
ਸੁਪਰਡੈਂਟ - 2 (a)
MA

ਵਿਸ਼ਾ:-

Meeting to review the action taken on the report on visit to the sites made on 09/12/2021 w.r.t. complaint regarding illegal excavation/mining of soil in agriculture fields of village Bhallmajra and adjoining villages, Near Chanarthal in Distt. Fatehgarh Sahib by the Monitoring Committee in compliance to order dated 10/11/2021 in O.A. No. 294 of 2021 in the matter of Singh Jindalpuria s/o Surjit Singh, Village Jindalpuria, Distt. Fatehgarh Sahib on 28.12.2021 at 11.00 AM in the office of Monitoring Committee at Forest Complex, Sector -68, SAS Nagar Nagar.

23/12/21

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਸਬੰਧੀ ਆਪ ਜੀ ਵੱਲੋਂ ਵੱਟਸਐਪ ਰਾਹੀਂ ਭੇਜੇ ਸੰਦੇਸ਼ ਦੇ ਸਬੰਧ ਵਿੱਚ ਆਪ ਜੀ ਨੂੰ ਲਿਖਿਆ ਜਾਂਦਾ ਹੈ ਕਿ ਇਸ ਪੱਤਰ ਵਿੱਚ ਹੇਠ ਲਿਖੀਆਂ ਤਿੰਨ ਸੜਕਾਂ ਦੇ ਉੱਪਰੇ ਦੀ ਮਿੱਟੀ ਨਾਲ ਭਰੇ ਓਵਰ ਲੇਡਿਡ ਟਿੱਪਰ/ਟਰਾਲੀਆਂ ਲਗਾਤਾਰ ਚੱਲ ਰਹੇ ਹਨ।

1. ਭੱਲਮਾਜਰਾ ਤੋਂ ਸੁਹਾਗਹੇੜੀ ਲਿੰਕ ਰੋਡ
2. ਭੱਲਮਾਜਰਾ ਤੋਂ ਤਰਖੇੜੀ ਲਿੰਕ ਰੋਡ
3. ਭੱਲਮਾਜਰਾ ਤੋਂ ਟੋਹੜਾ ਲਿੰਕ ਰੋਡ

ਇਹ ਮਿੱਟੀ ਨਾਲ ਭਰੇ ਓਵਰ ਲੇਡਿਡ ਟਿੱਪਰ/ਟਰਾਲੀਆਂ ਜੋ ਕਿ ਪਿੰਡ ਤਰਖੇੜੀ ਅਤੇ ਪਿੰਡ ਭੱਲਮਾਜਰਾ ਤੋਂ ਇਹਨਾਂ ਸੜਕਾਂ ਦੇ ਉੱਪਰੇ ਦੀ ਲਗਾਤਾਰ ਚੱਲ ਰਹੇ ਹਨ। ਇਹਨਾਂ ਸੜਕਾਂ ਤੇ ਲੜੀ ਨੰ. 1 ਅਤੇ ਲੜੀ ਨੰ. 3 ਤੇ ਦਰਸਾਈਆਂ ਸੜਕਾਂ ਤੇ ਵਿਭਾਗ ਵੱਲੋਂ ਇਸ ਸਾਲ ਪੀ.ਸੀ. ਪਾ ਕੇ ਕੰਮ ਮੁਕੰਮਲ ਕੀਤਾ ਗਿਆ ਹੈ। ਇਸ ਤਰ੍ਹਾਂ ਲੜੀ ਨੰ. 2 ਤੇ ਦਰਸਾਈ ਸੜਕ ਤੇ ਸਪੈਸ਼ਲ ਰਿਪੇਅਰ ਦਾ ਪੱਥਰ ਦਾ ਕੰਮ ਮੁਕੰਮਲ ਕੀਤਾ ਗਿਆ ਹੈ। ਇਹ ਮਿੱਟੀ ਨਾਲ ਭਰੇ ਓਵਰ ਲੇਡਿਡ ਟਿੱਪਰ/ਟਰਾਲੀਆਂ ਨਾਲ ਹਲੇ ਤੱਕ ਕਿਸੇ ਵੀ ਸੜਕ ਦਾ ਕੋਈ ਨੁਕਸਾਨ ਨਹੀਂ ਹੋਇਆ ਪਰੰਤੂ ਇਹਨਾਂ ਮਿੱਟੀ ਨਾਲ ਭਰੇ ਓਵਰ ਲੇਡਿਡ ਟਿੱਪਰ/ਟਰਾਲੀਆਂ ਨਾਲ ਲਗਾਤਾਰ ਚੱਲਣ ਕਰਕੇ ਨੇੜਲੇ ਭਵਿੱਖ ਵਿੱਚ ਇਹਨਾਂ ਸੜਕਾਂ ਦਾ ਨੁਕਸਾਨ ਹੋਣ ਦੀ ਸੰਭਾਵਨਾ ਹੈ। ਇਹ ਆਪ ਜੀ ਨੂੰ ਸੂਚਨਾ ਅਤੇ ਅਗਲੇਰੀ ਯੋਗ ਕਾਰਵਾਈ ਹਿੱਤ ਭੇਜਿਆ ਜਾਂਦਾ ਹੈ।

ਕਾਰਜਕਾਰੀ ਇੰਜੀਨੀਅਰ,
ਉਸਾਰੀ ਮੰਡਲ ਲੋ.ਨਿ.ਵਿ. ਭ ਤੇ ਮ,
ਸ਼ਾਖਾ ਸਰਹਿੰਦ।

ਪਿੱਠ ਅੰਕਣ ਨੰ.

ਮਿਤੀ.

ਉਪਰੋਕਤ ਦਾ ਉਤਾਰਾ ਉਪ ਮੰਡਲ ਇੰਜੀਨੀਅਰ, ਉਸਾਰੀ ਉਪ ਮੰਡਲ ਨੰ. 1 (ਭ ਤੇ ਮ) ਸ਼ਾਖਾ ਸਰਹਿੰਦ ਨੂੰ ਸੂਚਨਾ ਹਿੱਤ ਭੇਜਿਆ ਜਾਂਦਾ ਹੈ।

ਕਾਰਜਕਾਰੀ ਇੰਜੀਨੀਅਰ,
ਉਸਾਰੀ ਮੰਡਲ ਲੋ.ਨਿ.ਵਿ. ਭ ਤੇ ਮ,
ਸ਼ਾਖਾ ਸਰਹਿੰਦ।

ਵੱਲੋਂ ਜਿਲਾ ਵਿਕਾਸ ਅਤੇ ਪੰਚਾਇਤ ਅਫਸਰ,
ਫਤਿਹਗੜ੍ਹ ਸਾਹਿਬ।

ਸੇਵਾ ਵਿਖੇ

ਡਾ:ਬਾਬੂ ਰਾਮ,
ਟੈਕਨੀਕਲ ਐਕਸਪਰਟ,
ਮੋਨੀਟਰਿੰਗ ਕਮੇਟੀ,
ਫੋਰੈਸਟ ਕੰਪਲੈਕਸ, ਸੈਕਟਰ-68,
ਐਸ.ਏ.ਐਸ.ਨਗਰ,

ਪੱਤਰ ਨੰ:235 ਮਿਤੀ:24/12/2021

ਵਿਸ਼ਾ:- Meeting to reivew the action taken on the report on visit to the sites made on 9/12/2021 w.r.t complaint regareing illegal excavation/ mining of soil in agriculture fields of village Bhallmajra and adjoining villages, Near Chanarthal in Distt. Fatehgarh Sahib by the Monitoring Committee in compliance to order dated 10/11/2021 in O.A no.294 of 2021 in the matter of Singh Jindalpuria s/o Surjit Singh, Village Jindalpuria, Distt Fatehgarh Shib on 28.12.2021 at 11.00 AM in th office of Monitoring committee at Forest Complex, Sector-68, SAS Nagar.

ਹਵਾਲਾ:- ਆਪ ਜੀ ਦੇ ਦਫਤਰ ਦੇ ਪੱਤਰ CMC/2021/493 ਮਿਤੀ 22-12-2021 ਸਬੰਧੀ।

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਅਤੇ ਹਵਾਲਾ ਅਧੀਨ ਪੱਤਰ ਦੇ ਸਬੰਧ ਵਿੱਚ ਬੇਨਤੀ ਕੀਤੀ ਜਾਦੀ ਹੈ ਕਿ ਵਿਸ਼ੇ ਸਬੰਧੀ ਮਿਤੀ 09-12-2021 ਨੂੰ ਦੋਰਾ ਕੀਤਾ ਗਿਆ। ਜਿਸ ਦੋਰਾਨ ਨਿਮਨ ਹਸਤਾਖਰ ਨੂੰ ਸਿੰਘ ਜਿੰਦਲਪੁਰੀਆ ਪੁੱਤਰ ਸੁਰਜੀਤ ਸਿੰਘ, ਵਾਸੀ ਜਿੰਦਲਪੁਰੀਆ, ਜਿਲ੍ਹਾ ਫਤਿਹਗੜ੍ਹ ਸਾਹਿਬ ਦੇ ਪਿੰਡ ਭੱਲ ਮੱਜਰਾ, ਸੁਹਾਗਹੇੜੀ ਅਤੇ ਆਲੇ ਦੁਆਲੇ ਦੇ ਪਿੰਡਾਂ ਵਿੱਚ ਰਹਿਣ ਸਬੰਧੀ ਪੁੱਛ ਪੜਤਾਲ ਕਰਕੇ ਰਿਪੋਰਟ ਕਰਨ ਲਈ ਕਿਹਾ ਗਿਆ ਸੀ। ਇਸ ਸਬੰਧੀ ਨਿਮਨ ਹਸਤਾਖਰ ਵਲੋਂ ਪਿੰਡ ਭੱਲ ਮਾਜਰਾ, ਸੁਹਾਗਹੇੜੀ, ਜਿਲ੍ਹਾ ਫਤਿਹਗੜ੍ਹ ਸਾਹਿਬ ਅਤੇ ਪਿੰਡ ਜਿੰਦਲਪੁਰੀਆ, ਬਲਾਕ ਨਾਭਾ, ਜਿਲ੍ਹਾ ਪਟਿਆਲਾ ਦੇ ਵਸਨੀਕਾਂ/ਸਰਪੰਚਾਂ/ਪੰਚਾਇਤ ਸਕੱਤਰ ਪਾਸੋਂ ਪੁੱਛ ਪੜਤਾਲ ਕੀਤੀ ਗਈ ਅਤੇ ਪੁੱਛਣ ਉਪਰੰਤ ਪਾਇਆ ਗਿਆ ਕਿ ਸਿੰਘ ਜਿੰਦਲਪੁਰੀਆ ਪੁੱਤਰ ਸੁਰਜੀਤ ਸਿੰਘ, ਵਾਸੀ ਜਿੰਦਲਪੁਰੀਆ, ਜਿਲ੍ਹਾ ਫਤਿਹਗੜ੍ਹ ਸਾਹਿਬ ਪਿੰਡ ਭੱਲ ਮਾਜਰਾ, ਸੁਹਾਗਹੇੜੀ, ਜਿੰਦਲਪੁਰੀਆ ਅਤੇ ਆਲੇ ਦੁਆਲੇ ਦੇ ਪਿੰਡਾਂ ਦਾ ਨਿਵਾਸੀ ਨਹੀਂ ਹੈ। ਰਿਪੋਰਟ ਆਪ ਜੀ ਨੂੰ ਯੋਗ ਕਾਰਵਾਈ ਹਿੱਤ ਪੇਸ਼ ਹੈ ਜੀ।


ਜਿਲਾ ਵਿਕਾਸ ਅਤੇ ਪੰਚਾਇਤ ਅਫਸਰ,
ਫਤਿਹਗੜ੍ਹ ਸਾਹਿਬ।

OFFICE OF THE MONITORING COMMITTEE

Constituted by the Hon'ble National Green Tribunal in Original Application

No.360 of 2018 and other Environmental Issues of the State of Punjab

(Official Address: Tower No.5, 4th Floor, Forest Complex,

Sector 68, SAS Nagar) Tel. No. 0172-2298091

Email: ceccswm606@gmail.com

To

The Deputy Commissioner,
Fatehgarh Sahib.

No. CMC/2021/500

Dated: 29.12.2021

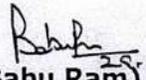
Subject: Minutes of the meeting held with the District Level Officers of concerned departments of District Fatehgarh Sahib under the Chairmanship of the Justice Jasbir Singh, Former Judge, Punjab & Haryana High Court and now as Chairman of the Monitoring Committee to review the action taken on the report on visit to the sites made on 9.12.2021 w.r.t complaint regarding illegal excavation/mining of soil in agriculture fields of village Bhallmajra and adjoining villages, Near Chanarthal in Distt. Fatehgarh Sahib by the Monitoring Committee in compliance to order dated 10.11.2021 in O.A. no. 294 of 2021 in the matter of Singh Jindalpuria s/o Surjit Singh, Village Jindalpuria, Distt. Fatehgarh Sahib on 28.12.2021 at 11:00 AM in the office of Monitoring Committee at Forest Complex, Sector-68, SAS Nagar Nagar.

.....

Please find enclosed herewith minutes of the meeting held with the District Level Officers of concerned departments of District Fatehgarh Sahib under the Chairmanship of the Justice Jasbir Singh, Former Judge, Punjab & Haryana High Court and now as Chairman of the Monitoring Committee to review the action taken on the report on visit to the sites made on 9.12.2021 w.r.t complaint regarding illegal excavation/mining of soil in agriculture fields of village Bhallmajra and adjoining villages, Near Chanarthal in Distt. Fatehgarh Sahib by the Monitoring Committee in compliance to order dated 10.11.2021 in O.A. no. 294 of 2021 in the matter of Singh Jindalpuria s/o Surjit Singh, Village Jindalpuria, Distt. Fatehgarh Sahib on 28.12.2021 at 11:00 AM in the office of Monitoring Committee at Forest Complex, Sector-68, SAS Nagar Nagar for your information and necessary action please.

It is requested that the concerned officer of District Administration may be directed to convey the minutes of the meeting to all the concerned departments with the request to take necessary action on the recommendations made/ directions given by the Monitoring Committee on the points relating to thier department and action taken report be submitted within the time limits as mentioned in the minutes of the meeting.

DA/-as above

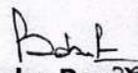

(Dr. Babu Ram)
Technical Expert,
Monitoring Committee

Endst. No. CMC/2021/501

Dated: 29.12.2021

A copy of the above is forwarded to the Additional Deputy Commissioner (General), Fatehgarh Sahib for information and necessary action.

DA/-as above


(Dr. Babu Ram)
Technical Expert,
Monitoring Committee

Endst. No. CMC/2021/502

Dated: 29.12.2021

A copy of the above is forwarded to the Environmental Engineer, Punjab Pollution Control Board, Regional Office, Fatehgarh Sahib for information and necessary action.

DA/-as above

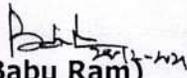

(Dr. Babu Ram)
Technical Expert,
Monitoring Committee

Endst. No. CMC/2021/503

Dated: 29.12.2021

A copy of the above is forwarded to the Executive Engineer, Department of Water Resources (Drainage), Patiala for information and necessary action.

DA/-as above

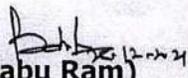

(Dr. Babu Ram)
Technical Expert,
Monitoring Committee

Endst. No. CMC/2021/504

Dated: 29.12.2021

A copy of the above is forwarded to the District Development & Panchyat officer (DDPO), Fatehgarh Sahib for information and necessary action.

DA/-as above

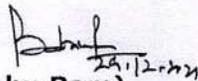

(Dr. Babu Ram)
Technical Expert,
Monitoring Committee

Endst. No. CMC/2021/505

Dated: 29.12.2021

A copy of the above is forwarded to the Executive Engineer, Department of PWD, B&R branch, Sirhind for information and necessary action.

DA/-as above

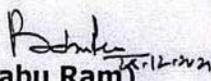

(Dr. Babu Ram)
Technical Expert,
Monitoring Committee

Endst. No. CMC/2021/506

Dated: 29.12.2021

A copy of the above is forwarded to the Tehsildar, Fatehgarh Sahib for information and necessary action.

DA/-as above


(Dr. Babu Ram)
Technical Expert,
Monitoring Committee

Minutes of the meeting held with the District Level Officers of concerned departments of District Fatehgarh Sahib under the Chairmanship of the Justice Jasbir Singh, Former Judge, Punjab & Haryana High Court and now as Chairman of the Monitoring Committee to review the action taken on the report on visit to the sites made on 9.12.2021 w.r.t complaint regarding illegal excavation/mining of soil in agriculture fields of village Bhallmajra and adjoining villages, Near Chanarthal in Distt. Fatehgarh Sahib by the Monitoring Committee in compliance to order dated 10.11.2021 in O.A. no. 294 of 2021 in the matter of Singh Jindalpuria s/o Surjit Singh, Village Jindalpuria, Distt. Fatehgarh Sahib on 28.12.2021 at 11:00 AM in the office of Monitoring Committee at Forest Complex, Sector-68, SAS Nagar Nagar.

The following were present during the meeting:

a) Members of the Monitoring Committee

Sr. no.	Name and Designation in the Deptt.	Name & Designation in the Committee
1.	Justice Jasbir Singh, Former Judge, Punjab & Haryana High Court	Chairman
2.	Sh. Subodh Agrawal, Former Chief Secretary, Punjab	Member
3.	Sant Balbir Singh Seechewal	Member
3.	Dr. Babu Ram, Former Member Secretary, PPCB	Technical Expert

b) The list of the officers, present in the meeting, is as per Annexure-1.

1.0 Background

The Chairman of the Monitoring Committee apprised that the Hon'ble National Green Tribunal in its order dated 10.11.2021 in OA No. 294 of 2021 in the matter of Singh Jindalpuria s/o Surjit Singh, Village Jindalpuria, Distt. Fatehgarh Sahib has passed the detailed order and the directions given in para No. 3 and 4 of said order are reproduced as under:

3. In view of above, we consider it necessary to ascertain the factual position of compliance of environmental norms on the ground level. It is particularly necessary to ascertain whether mining is taking place, whether requisite EC and consents have been granted and whether statutory authorities are maintaining vigil in the matter to enforce the rule of law and the environmental norms.

4. Accordingly, we request the committee constituted by this Tribunal for certain environmental issues in the State of Punjab headed by Justice Jasbir Singh, Former Judge of Punjab & Haryana High Court to undertake a visit to the site with the assistance of other concerned regulatory authorities. The State PCB and District Magistrate, Fatehgarh Sahib may co-ordinate and facilitate such visit. The Committee may give its report in the matter with two months by e-mail at Judicial nqt@gov.in preferably in the form of searchable PDF / OCR support PDF and not in the form of image PDF.

List for further consideration on 17/2/2022.

2.0 Visit to the soil excavation/ mining sites in agriculture fields of village Bhallmajra and adjoining villages near Chanarthal in District Fatehgarh Sahib by Monitoring Committee on 9.12.2021

In compliance to the said order as mentioned in para No. 4 above, the Monitoring Committee visited the soil excavation / mining sites in agriculture fields of village Bhallmajra and village Sohagri on 9.12.2021 and the report on visit to the sites w.r.t complaint regarding illegal excavation/mining of soil in agriculture fields of village Bhallmajra and adjoining villages, Near Chanarthal in Distt. Fatehgarh Sahib was sent to the Deputy Commissioner, Fatehgarh Sahib vide no. CMC/2021/481 dated 13.12.2021 under intimation to the concerned departments. The directions given by the Monitoring Committee to the various departments are mentioned as under:

- i) **The Deptt. of Irrigation may submit the report / data on the following points within 15 days.**
 - a) **Assessment of the area of agricultural fields of village Bhallmajra, Sohagri and adjoining villages in Distt. Fatehgarh Sahib, where soil/earth excavation of agricultural fields has been done.**
 - b) **Measurement of actual depth upto which, excavation of soil/earth in agricultural fields has been done.**
 - c) **Assessment / measurement of quantity of soil/earth excavated from the agricultural fields of the said villages.**
 - d) **The provisions as mentioned in the Punjab Minor Minerals Rules, 2013/notification/policy w.r.t excavation/mining of soil/earth from agriculture fields may be checked and submit the report as to whether mining/excavation of soil/earth from agriculture fields is legal or otherwise.**

In case, it is confirmed by the Department of Mining (Department of Irrigation) that the said activity is illegal, the said department may submit the report on the following points within 15 days.

- **The status of legal action taken against the defaulting persons engaged in excavation/mining of soil in the agricultural fields illegally.**
- **Whether the cost of the soil excavated/mined illegally from the defaulting persons has been recovered, if so, the details may be submitted.**
- **The damage caused to the environment due to illegal excavation/mining of soil from the agricultural fields of village Bhallmajra and adjoining villages of Distt. Fatehgarh Sahib may be calculated based on the formula / methodology as mentioned in para no. 10 and 11 of order dated 26/2/2021 in O.A. no. 360 of 2015 in the matter of National Green Tribunal Bar Association V/s Virender Singh (State of Gujrat)(A copy of the order dated 26.2.2021 is enclosed as per Annexure-4). The said assessment may be done in association with Punjab Pollution Control Board, Regional Office, Fatehgarh Sahib.**

- ii) Tehsildar Fatehgarh Sahib shall check the record w.r.t ownership of the agricultural fields of village Bhallmajra and adjoining villages of Distt. Fatehgarh Sahib and their khasra no. from which the soil/earth has been excavated/mined from the revenue record for the last 5 years and submit the report to the Monitoring Committee within 15 days.
- iii) Mandi Board shall submit the report regarding conditions of the following link roads:
 - a) Bhallmajra to Sohagri link road
 - b) Bhallmajra to Tarkheri link road
 - c) Bhallmajra to Tohra link road
- iv) District Administration, Fatehgarh Sahib shall get assess the damage caused to the roads due to movement of vehicles and machinery used for carrying soil/earth from the land of other villages of Distt. Fatehgarh Sahib to the construction sites and the concerned authorities / agencies i.e NHA and Railway authorities may be issued recovery notice for recovery of damage caused to the roads within 15 days and cost of damage caused to the roads may be recovered from the said authorities.

3.0 Review of the action taken by the various departments on the directions given by the Monitoring Committee during its visit to the soil excavation / mining sites on 9.12.2021 in the meeting being held on 28.12.2021

In order to review the action taken on the directions given by the Monitoring Committee to the various departments on the directions given by the Monitoring Committee during its visit to the soil excavation / mining sites of agriculture fields of village Bhallmajra and adjoining villages on 9.12.2021, the meeting has been held under the Chairmanship of the Justice Jasbir Singh, Former Judge, Punjab & Haryana High Court and now as Chairman of the Monitoring Committee on 28.12.2021 and action taken by the various departments concerning to the matter was reviewed as under:

3.1 Deptt. of Irrigation (mining department)

- Assessment of the area, actual depth and quantity of soil / earth excavated from the agriculture fields of village Bhallmajra and Sohagri in District Fatehgarh Sahib where soil / ordinary earth excavation in agriculture fields has been done.

The Executive Engineer cum District Mining Officer, Dept. of Drainage, Patiala vide his office letter No. 1732 dated 24.12.2021 (**Annexure-2**) submitted the data w.r.t assessment of area, actual depth and quantity of soil / earth excavated from the agriculture fields of village Bhallmajra and Sohagri in District Fatehgarh Sahib, which is mentioned as under:

Sr. No	GPS Location	Area of mining	Depth of mining	Quantity of mined material
1	Village Bhallmajra (GPS Location 30.5524213, 76.3283351)	4087.6 m ²	0.5 ft	1120.68 MT
2.	Village Bhallmajra (GPS	408.76 m ²	2 ft	448.27 MT

	Location 30.5492022, 76.3202432)			
3.	Village Bhallmajra (GPS Location 30.548305, 76.320931)	83.61 m ²	3 ft	137.54 MT
4.	Village Sohagri (GPS Location 30.5635220, 76.3292356)	5574 m ²	1.5 ft	4584.60 MT

Regarding illegal mining in the agriculture fields of village Bhallmajra and adjoining villages near Chanarthal, as alleged in the application filed by the applicant before the Hon'ble National Green Tribunal, it was informed that as per the provisions of the Punjab Minor Minerals Rules, 2013, the permission from the Mining Deptt. was required to be ascertained before excavating the soil from the agriculture fields and the said mining in these villages has been done without the permission of the deptt., as such, the mining is illegal.

The information w.r.t ownership of the agriculture fields, where illegal mining has been done by the persons was sought from the Deptt. of Revenue vide their letter No. 707-09/1M-1 dated 5.7.2021, No. 654-52 dated 13.7.2021, No. 696-98 dated 20.7.2021, No. 1132-34 dated 20.9.2021 and No. 1549-51 dated 24.11.2021. The Revenue record in this regard has been received on 24.12.2021 and accordingly, notices in form R (recovery notice) has been issued on 6.12.2021 and 24.12.2021 to the defaulting persons (**Annexures-3 to 6**). However, with regard to mining/ soil excavation in the agriculture fields of village Bhallmajra, which was done about 10 years ago, no record is available.

It was stated that all the notices issued in form R shall be finalized within 03 months after following due procedure on all the steps for finalizing these notices.

Further, it was submitted that the Government of Punjab vide its notification No. PB/OFC/2021/6271 dated 13.12.2021 (**Annexure-7**) has declared the manual excavation of ordinary earth and ordinary clay (other than Brick Earth) from an area not exceeding 2 acres and depth not exceeding 3 feet or both, as non mining activity.

3.2 Deptt. of PWD, B&R branch, Sirhind looking after the road construction works of villages of District Fatehgarh Sahib

The Executive Engineer, PWD, B&R, vide letter No. 6740 dated 22.12.2021 (**Annexure-8**) has reported that overloaded tippers/ trolleys carrying soil / ordinary earth are moving regularly on the following roads.

- i) **Bhallmajra to Sohagri link road**
- ii) **Bhallmajra to Tarkheri link road**
- iii) **Bhallmajra to Tohra link road**

It has been mentioned that the roads, as mentioned at i) and iii) above, have been repaired recently by laying PC layers. The road as mentioned at serial No. ii) above, has been repaired specially. Presently, no damage has been caused to these roads with the

movement of overloaded tippers/ trolleys carrying soil on these roads. However, in near future, these roads may be damaged due to their regular movement on these roads.

3.3 Whereabout of complainant

During the visit to the soil excavation / mining sites in agriculture fields of village Bhallmajra and adjoining villages by the Monitoring Committee on 9.12.2021, the Monitoring Committee tried to contact the complainant and no one with the name as mentioned in complaint was found in the said village. However, District Development and Panchayat Officer was asked by the Monitoring Committee to identify and locate the complainant, who has made complaint in the matter.

Now, District Development and Panchayat officer vide his office letter No. 235 dated 24.12.2021 (**Annexure-9**) has reported that he has inquired about the whereabouts of the complainant in the case from the village Bhallmajra, Sohagri of District Fatehgarh Sahib and village Jindalpuria of District Patiala from the public/ residents / Sarpanches / Panchayats and it was informed that no such person in the name of Singh Jundalpuria S/o Surjit Singh, Village Jindalpuria, District Fatehgarh Sahib, village Bhallmajra, Sohagri, Jindalpuria and surrounding villages is there.

3.4 Assessment of damage caused to the roads due to movement of vehicles and machinery used for carrying soil/ earth from the land of the other villages of District Fatehgarh Sahib by NHAI and Railway authorities

Additional Deputy Commissioner (General), District Fatehgarh Sahib assured that assessment of damage caused to the roads due to movement of vehicles and machinery used for carrying soil/ earth from the land of the other villages of District Fatehgarh Sahib by NHAI and Railway authorities shall be completed within 01 month.

3.5 Checking the record w.r.t ownership of the agricultural fields of village Bhallmajra and adjoining villages of Distt. Fatehgarh Sahib and their khasra no. from which the soil/earth has been excavated/mined from the revenue record for the last 5 years.

No record w.r.t ownership of the agricultural fields of village Bhallmajra and adjoining villages of Distt. Fatehgarh Sahib and their khasra no. from which the soil/earth has been excavated/mined from the revenue record for the last 5 years has been received. It was assured that the said record may be made available within 15 days.

3.6 Assessment of the damage caused to the environment due to illegal excavation/mining of soil from the agricultural fields of village Bhallmajra and adjoining villages of Distt. Fatehgarh Sahib based on the formula / methodology as mentioned in para no. 10 and 11 of order dated 26/2/2021 in O.A. no. 360 of 2015 in the matter of National Green Tribunal Bar Association V/s Virender Singh (State of Gujarat)

The Deptt. of Irrigation has informed that the methodology mentioned for assessment of the damage caused to the environment due to illegal excavation/ mining, as mentioned in order dated 26.2.2021 in OA No. 360 of 2015, relates to sand mining case.

It was clarified that the order dated 26.2.2021 in OA No. 360 of 2015 is applicable irrespective of mining of sand or ordinary earth or stone mining. Therefore, the said assessment may be done in case the mining / excavation of soil in agriculture fields of

village Bhallmajra and adjoining villages of District Fatehgarh Sahib has been done illegally.

It was assured that the assessment of the damage caused to the environment due to illegal excavation/mining of soil from the agricultural fields of village Bhallmajra and adjoining villages of Distt. Fatehgarh Sahib shall be done within 02 months.

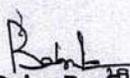
4.0 Recommendations made/ directions given/ decisions taken by the Monitoring Committee

The detailed deliberation on all the above issues was made by the Monitoring Committee and it was directed as under:

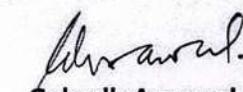
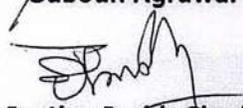
- i. The Deptt. of Irrigation (Mining Deptt.) shall decide notices issued in form R to the defaulting persons, who have done mining/ excavation of soil/ ordinary earth in agriculture fields of village Bhallmajra and Sohagri without the permission of the department within 02 months.**
- ii. The deptt. of Irrigation and Punjab Pollution Control Board shall jointly calculate the cost of the damage caused to the environment due to illegal mining of soil/ ordinary earth from the agriculture fields of village Bhallmajra and adjoining villages based on methodology mentioned in order dated 26.2.2021 in OA No. 360 of 2015 in the matter of National Green Tribunal Bar Association V/s Virender Singh (State of Gujarat) within 02 months.**
- iii. Tehsildar Fatehgarh Sahib shall check the record w.r.t ownership of the agricultural fields of village Bhallmajra and adjoining villages of Distt. Fatehgarh Sahib and their khasra no. from which the soil/earth has been excavated/mined from the revenue record for the last 5 years and submit the report to the Monitoring Committee within 15 days.**
- iv. The Executive Engineer, PWD B&R branch, Sirhind shall check the quality status of the following 03 roads on monthly basis and in case any damage is caused due to movement of overloaded trucks/ trolleys/ tippers carrying soil/ ordinary earth or any other material, the cost of damage caused to these roads may be imposed on the defaulting persons/ agencies.**
 - i) Bhallmajra to Sohagri link road**
 - ii) Bhallmajra to Tarkheri link road**
 - iii) Bhallmajra to Tohra link road**
- v. District Administration, Fatehgarh Sahib shall get assess the damage caused to the roads due to movement of vehicles and machinery used for carrying soil/earth from the land of other villages of Distt. Fatehgarh Sahib to the construction sites and the concerned authorities / agencies i.e NHA and Railway authorities may be issued recovery notice for recovery of damage caused to the roads within 01 month and cost of damage caused to the roads may be recovered from the said authorities.**

Re

- vi. In compliance to order dated 10.11.2021 in OA No. 294 of 2021, the Monitoring Committee shall submit its report to the Hon'ble National Green Tribunal based on the action taken report/ decisions/ directions given to the concerned departments on the points as mentioned above within 15 days.


Dr. Babu Ram

sd/-
Sant Balbir Singh Seechewal


Subodh Agrawal

Justice Jasbir Singh,
Former Judge Punjab and Haryana
High Court and now as Chairman of
the Monitoring Committee

Attendance sheet

Meeting to review the action taken on the report on visit to the sites made on 9/12/2021 w.r.t complaint regarding illegal excavation/mining of soil in agriculture fields of village Bhallmagra and adjoining villages, Near Chanarthal in Distt. Fatehgarh Sahib by the Monitoring Committee in compliance to order dated 10/11/2021 in O.A. no. 294 of 2021 in the matter of Singh Jindalpuria s/o Surjit Singh, Village Jindalpuria, Distt. Fatehgarh Sahib on 28.12.2021 at 11:00 AM in the office of Monitoring Committee at Forest Complex, Sector-68, SAS Nagar Nagar.

Sr.no	Name & Designation	Department	Mobile no.	Email	Signatures
1.	Anil Dahiya Pcs	A D C (G)	9417109909		
2.	Dr. Anuradha Sharma	Env. Engineer PPCB	9878942038	ee00fgs@gmail.com	
3.	Ramandeep Jauri	XEN Drainage	9888008800	ee00fgs@gmail.com	
4.	MOHIT SINGLA	SDD, PPCB	7087300306	ee00fgs@gmail.com	
5.	N. S. Grewal	DDPO	9814320514		
6.	GATINDER SINGH	Pb PWD B&R SIRHIND	9888872075		
7.					
8.					
9.					
10.					
11.					
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13.					
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15.					
16.					
17.					
18.					
19.					
20.					

ਨੰਬਰ...1732.../1M-1

ਸੇਵਾ ਵਿਖੇ

ਮਿਤੀ...24/12/2021

ਡਿਪਟੀ ਕਮਿਸ਼ਨਰ,
ਫਤਿਹਗੜ੍ਹ ਸਾਹਿਬ।

ਵਿਸ਼ਾ:-

Meeting to review the action taken on the report on visit to the sites made on 9/12/2021 W.r.t complaint regarding illegat excavation/mining of soil in agriculture fields of village Bhallmajra and adjoining villages,Near Chanarthal in distt.Fatgehgarh Sahib by the Moinitoring committee in compliance to order deted to/11/2021 in O.A.no.294 of 2021 in the matter of singh Jindalpuria S/o Surjit singh,Village Jindalpuria,Distt. Fatehgarh sahib on 28.12.2021 at 11.00 Am in the office of Monitoring Committes at Forest Complex, Sector-68, SAS Nagar.

ਹਵਾਲਾ:-

ਆਪ ਜੀ ਦੇ ਦਫਤਰ ਦਾ ਪੱਤਰ ਨੰ: CMC/2021/493 Dated 22.12.2021

ਉਪਰੋਕਤ ਵਿਖੇ ਤੇ ਹਵਾਲੇ ਅਧੀਨ ਪੱਤਰ ਦੇ ਸਬੰਧ ਵਿੱਚ ਮੰਗੀ ਗਈ ਸੂਚਨਾ ਹੇਠ ਲਿਖੇ ਅਨੁਸਾਰ ਤਿਆਰ ਕਰਕੇ

ਆਪ ਜੀ ਨੂੰ ਭੇਜੀ ਜਾਂਦੀ ਹੈ ਜੀ।

A) ਮਾਈਨਿੰਗ ਦਾ ਏਰੀਆ:-

- ਪਿੰਡ ਭੱਲਮਾਜਰਾ (ਜੀ.ਪੀ. ਐਸ ਲੋਕੇਸਨ-30.5524213,76.3283351) ਵਿਖੇ ਹੋਈ ਮਾਈਨਿੰਗ ਦਾ ਏਰੀਆ :- 4087.6 Sqm
- ਪਿੰਡ ਭੱਲਮਾਜਰਾ (ਜੀ.ਪੀ. ਐਸ ਲੋਕੇਸਨ-30.5492022,76.3202432) ਵਿਖੇ ਹੋਈ ਮਾਈਨਿੰਗ ਦਾ ਏਰੀਆ :- 408.76 Sqm
- ਪਿੰਡ ਭੱਲਮਾਜਰਾ (ਜੀ.ਪੀ. ਐਸ ਲੋਕੇਸਨ-30.548305,76.320931) ਵਿਖੇ ਹੋਈ ਮਾਈਨਿੰਗ ਦਾ ਏਰੀਆ :- 83.61 Sqm
- ਪਿੰਡ ਸੁਹਾਗਰੋੜੀ (ਜੀ.ਪੀ. ਐਸ ਲੋਕੇਸਨ-30.5635220,76.3292356) ਵਿਖੇ ਹੋਈ ਮਾਈਨਿੰਗ ਦਾ ਏਰੀਆ :- 5574 Sqm

B) ਮਿੱਟੀ ਦੀ ਪੁੱਟਾਈ ਦੀ ਡੂੰਘਾਈ:-

- ਪਿੰਡ ਭੱਲਮਾਜਰਾ (ਜੀ.ਪੀ. ਐਸ ਲੋਕੇਸਨ-30.5524213,76.3283351) ਵਿਖੇ ਹੋਈ ਮਾਈਨਿੰਗ ਦੀ ਡੂੰਘਾਈ :- 0.5 ਫੁੱਟ
- ਪਿੰਡ ਭੱਲਮਾਜਰਾ (ਜੀ.ਪੀ. ਐਸ ਲੋਕੇਸਨ-30.5492022,76.3202432) ਵਿਖੇ ਹੋਈ ਮਾਈਨਿੰਗ ਦੀ ਡੂੰਘਾਈ :- 2 ਫੁੱਟ
- ਪਿੰਡ ਭੱਲਮਾਜਰਾ (ਜੀ.ਪੀ. ਐਸ ਲੋਕੇਸਨ-30.548305,76.320931) ਵਿਖੇ ਹੋਈ ਮਾਈਨਿੰਗ ਦੀ ਡੂੰਘਾਈ :- 3 ਫੁੱਟ
- ਪਿੰਡ ਸੁਹਾਗਰੋੜੀ (ਜੀ.ਪੀ. ਐਸ ਲੋਕੇਸਨ-30.5635220,76.3292356) ਵਿਖੇ ਹੋਈ ਮਾਈਨਿੰਗ ਦੀ ਡੂੰਘਾਈ :- 1.5 ਫੁੱਟ

C) ਮਿੱਟੀ ਦੀ ਮਾਤਰਾ:-

- ਪਿੰਡ ਭੱਲਮਾਜਰਾ (ਜੀ.ਪੀ. ਐਸ ਲੋਕੇਸਨ-30.5524213,76.3283351) ਵਿਖੇ ਹੋਈ ਮਾਈਨਿੰਗ ਦੀ ਮਾਤਰਾ :- 1120.68 MT
- ਪਿੰਡ ਭੱਲਮਾਜਰਾ (ਜੀ.ਪੀ. ਐਸ ਲੋਕੇਸਨ-30.5492022,76.3202432) ਵਿਖੇ ਹੋਈ ਮਾਈਨਿੰਗ ਦੀ ਮਾਤਰਾ :-448.27 MT
- ਪਿੰਡ ਭੱਲਮਾਜਰਾ (ਜੀ.ਪੀ. ਐਸ ਲੋਕੇਸਨ-30.548305,76.320931) ਵਿਖੇ ਹੋਈ ਮਾਈਨਿੰਗ ਦੀ ਮਾਤਰਾ :- 137.54 MT
- ਪਿੰਡ ਸੁਹਾਗਰੋੜੀ (ਜੀ.ਪੀ. ਐਸ ਲੋਕੇਸਨ-30.5635220,76.3292356) ਵਿਖੇ ਹੋਈ ਮਾਈਨਿੰਗ ਦੀ ਮਾਤਰਾ :- 4584.60 MT

D) ਨਜ਼ਾਇਜ਼ ਮਾਈਨਿੰਗ ਸਬੰਧੀ:-

ਇਸ ਸਬੰਧੀ ਲਿਖਿਆ ਜਾਂਦਾ ਹੈ ਕਿ ਪੰਜਾਬ ਮਾਈਨਰ ਮਿਨਰਲ ਰੂਲ 2013 ਅਧੀਨ ਜਿਸ ਸਮੇਂ ਖੇਤਾ ਵਿੱਚ ਮਿੱਟੀ ਦੀ ਨਿਕਾਸੀ ਦੋਸੀਆਂ ਵੱਲੋਂ ਕੀਤੀ ਗਈ ਸੀ, ਉਸ ਸਮੇਂ ਮਹਿਕਮੇ ਤੋਂ ਪ੍ਰਵਾਨਗੀ ਲੈਣੀ ਜ਼ਰੂਰੀ ਸੀ ਅਤੇ ਦੋਸੀਆਂ ਵੱਲੋਂ ਇਹ ਮਿੱਟੀ ਦੀ ਨਿਕਾਸੀ ਇਨ੍ਹਾਂ ਪ੍ਰਵਾਨਗੀ ਲਏ ਕੀਤੀ ਗਈ ਹੈ। ਇਸ ਲਈ ਕੀਤੀ ਗਈ ਸਧਾਰਨ ਮਿੱਟੀ ਦੀ ਮਾਈਨਿੰਗ ਨਜ਼ਾਇਜ਼ ਹੈ ਜੀ।

ਇਸ ਦਫਤਰ ਵੱਲੋਂ ਖੇਤਾ ਵਿੱਚ ਹੋਈ ਮਿੱਟੀ ਦੀ ਨਜ਼ਾਇਜ਼ ਮਾਈਨਿੰਗ ਸਬੰਧੀ ਰੈਵੀਨਿਊ ਟਿਕਾਰਡ ਅਨੁਸਾਰ ਨਜ਼ਾਇਜ਼ ਮਾਈਨਿੰਗ ਕਰਨ ਵਾਲੇ ਵਿਅਕਤੀਆਂ ਦੀ ਮਲਕੀਅਤ ਬਾਰੇ ਪਤਾ ਕਰਵਾਉਣ ਲਈ ਇਸ ਦਫਤਰ ਦੇ ਪੱਤਰ ਨੰਬਰ 707-09/1M-1 ਮਿਤੀ 05.07.2021, ਪੱਤਰ ਨੰ:654-56/1M-P ਮਿਤੀ 13.07.2021, ਪੱਤਰ ਨੰ:696-98/1M-1 ਮਿਤੀ 20.07.2021, ਪੱਤਰ ਨੰ: 1132-34/1M-1 ਮਿਤੀ 20.09.2021 ਅਤੇ 1549-51/1M-1 ਮਿਤੀ 24.11.2021 ਰਾਹੀਂ ਉਪ ਮੰਡਲ ਮੈਜਿਸਟਰੇਟ, ਫਤਿਹਗੜ੍ਹ ਸਾਹਿਬ ਜੀ ਨੂੰ ਲਿਖੇ ਗਏ ਸਨ। ਜਿਸ ਸਬੰਧੀ ਰੈਵੀਨਿਊ ਟਿਕਾਰਡ ਅਨੁਸਾਰ ਮਲਕੀਅਤ ਇਸ ਦਫਤਰ ਨੂੰ ਮਿਤੀ 06.12.2021 ਅਤੇ ਮਿਤੀ 24.12.2021 ਨੂੰ ਪ੍ਰਾਪਤ ਹੋਇਆ ਹੈ। ਜਿਸ ਸਬੰਧੀ ਇਸ ਦਫਤਰ ਵੱਲੋਂ ਦੋਸੀਆਂ ਵਿਰੁੱਧ ਆਰ-ਨੋਟਿਸ (ਰਿਕਵਰੀ ਨੋਟਿਸ) ਮਿਤੀ 06.12.2021 ਅਤੇ ਮਿਤੀ 24.12.2021 ਨੂੰ ਜਾਰੀ ਕੀਤੇ ਗਏ ਹਨ। ਇਸ ਤੋਂ ਇਲਾਵਾ ਮਿਤੀ 09.12.2021 ਨੂੰ ਮੋਨੀਟਰਿੰਗ ਕਮੇਟੀ ਵੱਲੋਂ ਕੀਤੇ ਗਏ ਦੋਰੇ ਦੌਰਾਨ ਭੱਲਮਾਜਰਾ ਵਿਖੇ ਜਿਸ ਖੇਤ ਵਿੱਚ ਮਿੱਟੀ ਦੀ ਨਜ਼ਾਇਜ਼ ਮਾਈਨਿੰਗ ਬਾਰੇ ਰਿਪੋਰਟ ਵਿੱਚ ਮਾਈਨਿੰਗ 10 ਸਾਲ ਪੁਰਾਣੀ ਹੋਣ ਬਾਰੇ ਲਿਖਿਆ ਗਿਆ ਹੈ, ਪ੍ਰੰਤੂ ਇਸ ਦਫਤਰ ਨੂੰ ਸਰਕਾਰ ਵੱਲੋਂ ਮਾਈਨਿੰਗ ਦਾ ਚਾਰਜ ਮਿਤੀ 03.11.2020 ਤੋਂ ਦਿੱਤਾ ਗਿਆ ਹੈ।

ਉਕਤ ਥਾਂ ਤੇ ਮਿੱਟੀ ਦੀ ਕੀਤੀ ਗਈ ਨਜ਼ਾਇਜ਼ ਮਾਈਨਿੰਗ ਸਬੰਧੀ ਰਿਕਵਰੀ ਕਾਰਵਾਈ ਅਧੀਨ ਹੈ।

ਮੋਨੀਟਰਿੰਗ ਕਮੇਟੀ ਵੱਲੋਂ ਦੱਸੇ ਗਏ Para No.10 &11 of order dated 26.02.2021 in O.A.no.360 of 2015 ਦਾ ਸਬੰਧ ਰੋਕੇ ਦੀ ਮਾਈਨਿੰਗ ਨਾਲ ਹੈ ਪ੍ਰੰਤੂ ਉਕਤ ਜਗ੍ਹਾ ਤੇ ਸਧਾਰਨ ਮਿੱਟੀ ਦੀ ਨਜ਼ਾਇਜ਼ ਮਾਈਨਿੰਗ ਹੋਈ ਹੈ।

ਇਸ ਤੋਂ ਇਲਾਵਾ ਆਪ ਜੀ ਦੇ ਧਿਆਨ ਵਿੱਚ ਲਿਆਇਆ ਜਾਂਦਾ ਹੈ ਕਿ ਸਰਕਾਰ ਦੇ ਨੋਟੀਫਿਕੇਸ਼ਨ ਨੰਬਰ No. PB/OFC/2021/6271
ਮਿਤੀ 13.12.2021 ਅਨੁਸਾਰ 2 ਏਕੜ ਦੇ ਏਰੀਏ ਅਤੇ 3 ਫੁੱਟ ਤੱਕ ਦੀ ਫੁੰਘਾਈ ਤੱਕ ਸਧਾਰਨ ਮਿੱਟੀ ਦੀ ਨਿਕਾਸੀ ਕਰਨਾ Non Mining
Activity ਹੈ ਜੀ।

ਇਹ ਆਪ ਜੀ ਨੂੰ ਸੂਚਨਾ ਅਤੇ ਅਗਲੇਰੀ ਕਾਰਵਾਈ ਹਿੱਤ ਹੈ ਜੀ।

ਕਾਰਜਕਾਰੀ ਇੰਜੀਨੀਅਰ-ਕਮ-
ਜਿਲਾ ਮਾਈਨਿੰਗ ਅਫਸਰ,
ਜਲ ਨਿਕਾਸ ਮੰਡਲ,
ਪਟਿਆਲਾ।

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FORM 'R'
[See rule5(5)]
NOTICE

To

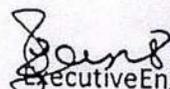
Sh.Gurmail singh ,S/Prem singh S/o mal Singh -9-50
Sh Amarjeet Singh S/o Sh Prem Singh S/o mal Singh -457/2650
Sh Satwinder Singh S/o,Sh. Prem singh,S/o Sh.mal singh -9-50
Sh.Bhinder Singh S/o Sh Prem Singh S/o mal Singh -9-50
Smt Bachan Kaur Widow/o Sh. Prem singh, S/o mal Singh -2-25
Sh Satwinder Singh S/o,Sh. Prem singh,S/o Sh.mal singh -21/530
Sh Taranveer singh S/o Sh.Kuldeep Singh S/o Sh. kidu singh -4/53
Sh.Kuldeep Singh, -S/o Sh. kidu singh,S/o Sh.Nika singh -49/530
Village Suhaghedi
Distt: Fatehgarh sahib.

Where it appear that you have raised Ordinary earth without lawful authority during the year 2020-21 from your land Khasra no. 28//6(6-4) Village Suhaghedi Distt: Fatehgarh Sahib in which mining is done .

You are, therefore directed to appear, in person or through a duly authorized representative before office of Executive Engineer-Cum-District Mining Officer, Drainage Division Patiala Barah Khuwa Complex, Nabha Road Patiala on dated 10-12-2021 at 11.30 AM (time) and to produce or cause to be produced at that time the accounts and documents specified below, lodge at that time any objection which you may wish to prefer in support thereof and produce any evidence in this regard.

In the event of your failure to comply with this notice, I shall proceed to access the royalty to the best of my judgment under Rule 85(5) of the Punjab Minor Mineral Rules, 2013 and furthermore you will be liable to prosecution under Ruled 76.

No. 1641-50
Date 6/12/2021
Place: Patiala


Executive Engineer-Cum-
District Mining Officer
Patiala Drainage Division
Patiala.

Particulars of accounts and documents required.

1. Particulars of Accounts and Documents required book of account for the month (s) in Question in general and records in support of the figures entered therein.
2. Any Other records showing the production of minerals.

Copy to:

Sarpanch Gram Panchayat Village Suhaaghedi Distt: Fatehgarh sahib to ensure that this letter must reach to above mentioned persons

Annexure-4

'FORM 'R'
[See rule5(5)]
NOTICE

To

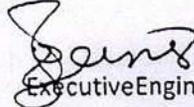
1. Sh.Nirbhah Singh S/o Sh Shamsher Singh S/o Sh. Basakha Singh-1/4
Sh.Gurjant Singh S/o Sh Samsher Singh S/o Sh. Basakha Singh-1/4
Sh.Kesar Singh S/o Sh Samsher Singh S/o Sh. Basakha Singh-1/4
Smt. Saravjeet Kaur Widow/o Sh Laxman Singh S/o Sh. Samsher Singh-1/4
2. Sh.Harchand Singh S/o Sh Harnam Singh S/o Sh. Basakha Singh,
Village Bhalmajra
Distt: Fatehgarh sahib.

Where it appear that you have raised Ordinary earth without lawful authority during the year 2020-21 from your land Khasra no. 13//13/1 R.no.(0-11)& Khasra no. 13//13/2 R.no.(6-16) (Village Bhalmajra Distt: Fatehgarh sahib in which mining is done .

You are, therefore directed to appear, in person or through a duly authorized representative before office of Executive Engineer-Cum-District Mining Officer, Drainage Division Patiala Barah Khuwa Complex, Nabha Road Patiala on dated 31-12-2021 at 11.30 AM (time) and to produce or cause to be produced at that time the accounts and documents specified below, lodge at that time any objection which you may wish to prefer in support thereof and produce any evidence in this regard.

In the event of your failure to comply with this notice, I shall proceed to access the royalty to the best of my judgment under Rule 85(5) of the Punjab Minor Mineral Rules, 2013 and furthermore you will be liable to prosecution under Ruled 76.

No. 1628-34
Date 6/12/21
Place: Patiala


Executive Engineer-Cum-
District Mining Officer
Patiala Drainage Division
Patiala.

Particulars of accounts and documents required.

1. Particulars of Accounts and Documents required book of account for the month (s) in Question in general and records in support of the figures entered therein.
2. Any Other records showing the production of minerals.

Copy to:

Sarpanch Gram Panchayat Village Bhalmajra Distt: Fatehgarh sahib to ensure that this letter must reach to above mentioned persons

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FORM 'R'
[See rule5(5)]
NOTICE

To

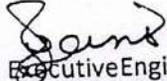
Smt Tej Kaur Mother/o Sh Rajwant singh S/o Sh Kirpal Singh -1/4
Smt Saranjeet Kaur W/o Sh Rajwant singh S/o Sh Kirpal Singh -1/4
Smt. Sandeep Kaur D/o Sh Rajwant Singh S/o Sh Kirpal Singh -1/4
Sh Harinder Singh S/o Sh Rajwant singh S/o Sh Kirpal Singh -1/4
Village Bhalmajra
Distt: Fatehgarh Sahib.

Where it appear that you have raised Ordinary earth without lawful authority during the year 2020-21 from your land Khasra no. 13//17(8-0) Village Bhalmajra Distt: Fatehgarh sahib in which mining is done .

You are, therefore directed to appear, in person or through a duly authorized representative before office of Executive Engineer-Cum-District Mining Officer, Drainage Division Patiala Barah Khuwa Complex, Nabha Road Patiala on dated 31-12-2021 at 11.30 AM (time) and to produce or cause to be produced at that time the accounts and documents specified below, lodge at that time any objection which you may wish to prefer in support thereof and produce any evidence in this regard.

In the event of your failure to comply with this notice, I shall proceed to access the royalty to the best of my judgment under Rule 85(5) of the Punjab Minor Mineral Rules, 2013 and furthermore you will be liable to prosecution under Ruled 76.

No. 1635-40
Date 6/12/2021
Place: Patiala


Executive Engineer-Cum-
District Mining Officer
Patiala Drainage Division
Patiala.

Particulars of accounts and documents required.

1. Particulars of Accounts and Documents required book of account for the month (s) in Question in general and records in support of the figures entered therein.
2. Any Other records showing the production of minerals.

Copy to:

Sarpanch Gram Panchayat Village Bhalmajra Distt: Fatehgarh sahib to ensure that this letter must reach to above mentioned persons

48/(R-Notice)

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Annexure-6

FORM 'R'
[See rule 85(5)]
NOTICE

To

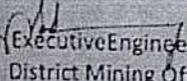
Sh. Gaganjit Singh S/O Sh. Arjun Singh S/o Harnam Singh-1/4
Sh. Pargat Singh S/O Sh. Arjun Singh S/o Harnam Singh-1/4
Sh. Sukhraj Singh S/o Sh. Bachan Singh S/o Harnam Singh-1/2
Village Sunderpura, Teh. & Distt. Fatehgarh Sahib.

Where it appear that you have raised Ordinary earth without lawful authority during the year 2021-22 from your land Khasra no. 24//1(7-2) village Sunderpura Teh. & Distt. Fatehgarh Sahib in which illegal mining is done.

You are, therefore directed to appear, in person or through a duly authorized representative before office of Executive Engineer-Cum-District Mining Officer, Drainage Division Patiala Barah Khuwa Complex, Nabha Road Patiala by 23/01/2022 and to produce or cause to be produced at that time the accounts and documents specified below, lodge at that time any objection which you may wish to prefer in support thereof and produce any evidence in this regard.

In the event of your failure to comply with this notice, I shall proceed to assess the royalty to the best of my judgment under Rule 85(5) of the Punjab Minor Mineral Rules, 2013 and furthermore you will be liable to prosecution under Ruled 76.

No. 1733-36
Date 24/12/2021
Place


Executive Engineer-Cum-Place: Patiala
District Mining Officer
Patiala

Particulars of accounts and documents required.

1. Particulars of Accounts and Documents required book of account for the month (s) in Question in general and records in support of the figures entered therein.
2. Any Other records showing the production of minerals.

Copy to

Sarpanch Gram Panchayat Village Sunderpura Distt Fatehgarh Sahib to ensure that this letter must reach to above mentioned persons



Punjab Government Gazette

EXTRAORDINARY

Published by Authority

CHANDIGARH, MONDAY, DECEMBER 13, 2021 (AGRAHAYANA 22, 1943 SAKA)

GOVERNMENT OF PUNJAB
DEPARTMENT OF WATER RESOURCES
(MINES & GEOLOGY)

NOTIFICATION

The 13th December, 2021

No.PB/OFC/2021/6271.- In exercise of the powers conferred under Rule 90 of the Punjab Minor Mineral Rules, 2013 and all other powers enabling him in this behalf, the Governor of Punjab is pleased to declare the manual excavation of ordinary earth and ordinary clay (other than Brick Earth) from an area not exceeding 2 acres and depth not exceeding 3 feet or both, as non mining activity.

Sd/-
RAHUL BHANDARI,
Secretary to Government of Punjab,
Mines and Geology.

2463/12-2021/Pb. Govt. Press, S.A.S. Nagar

(4226)

ਕਾਰਜਕਾਰੀ ਇੰਜੀਨੀਅਰ,

ਉਸਾਰੀ ਮੰਡਲ, ਲੋਕ ਨਿਰਮਾਣ ਵਿਭਾਗ, ਭਵਨ ਤੇ ਮਾਰਗ ਸ਼ਾਖਾ, ਸਰਹਿੰਦ।

Email:- eecdsirhindpwdpb@gmail.com Phone:- 01763-222275

ਵੱਲ

ਡਿਪਟੀ ਕਮਿਸ਼ਨਰ,
ਜਿਲ੍ਹਾ ਫਤਹਿਗੜ੍ਹ ਸਾਹਿਬ

ਸੀਮੇ ਨੰ. 6740

ਮਿਤੀ. 22/12/21

ਡਿਪਟੀ ਕਮਿਸ਼ਨਰ ਫਤਹਿਗੜ੍ਹ ਸਾਹਿਬ	
ਡੀ.ਸੀ.	✓
ਏ.ਡੀ.ਸੀ.	✓
ਸਬੰਧਤ ਕੰਮ ਨੰਬਰ	AL (A)
ਰੁਪਰੰਦ	- 2 (A)
	MA

ਵਿਸ਼ਾ:-

Meeting to review the action taken on the report on visit to the sites made on 09/12/2021 w.r.t. complaint regarding illegal excavation/mining of soil in agriculture fields of village Bhallmajra and adjoining villages, Near Chanarthal in Distt. Fatehgarh Sahib by the Monitoring Committee in compliance to order dated 10/11/2021 in O.A. No. 294 of 2021 in the matter of Singh Jindalpuria s/o Surjit Singh, Village Jindalpuria, Distt. Fatehgarh Sahib on 28.12.2021 at 11.00 AM in the office of Monitoring Committee at Forest Complex, Sector -68, SAS Nagar Nagar.

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਸਬੰਧੀ ਆਪ ਜੀ ਵੱਲੋਂ ਵੱਟਸਐਪ ਰਾਹੀਂ ਭੇਜੇ ਸੰਦੇਸ਼ ਦੇ ਸਬੰਧ ਵਿੱਚ ਆਪ ਜੀ ਨੂੰ ਲਿਖਿਆ ਜਾਂਦਾ ਹੈ ਕਿ ਇਸ ਪੱਤਰ ਵਿੱਚ ਹੇਠ ਲਿਖੀਆਂ ਤਿੰਨ ਸੜਕਾਂ ਦੇ ਉੱਪਰੋ ਦੀ ਮਿੱਟੀ ਨਾਲ ਭਰੇ ਓਵਰ ਲੋਡਿਡ ਟਿੱਪਰ/ਟਰਾਲੀਆਂ ਲਗਾਤਾਰ ਚੱਲ ਰਹੇ ਹਨ।

1. ਭੱਲਮਾਜਰਾ ਤੋਂ ਸੁਹਾਗਹੇੜੀ ਲਿੰਕ ਰੋਡ
2. ਭੱਲਮਾਜਰਾ ਤੋਂ ਤਰਖੇੜੀ ਲਿੰਕ ਰੋਡ
3. ਭੱਲਮਾਜਰਾ ਤੋਂ ਟੋਹੜਾ ਲਿੰਕ ਰੋਡ

ਇਹ ਮਿੱਟੀ ਨਾਲ ਭਰੇ ਓਵਰ ਲੋਡਿਡ ਟਿੱਪਰ/ਟਰਾਲੀਆਂ ਜੋ ਕਿ ਪਿੰਡ ਤਰਖੇੜੀ ਅਤੇ ਪਿੰਡ ਭੱਲਮਾਜਰਾ ਤੋਂ ਇਹਨਾਂ ਸੜਕਾਂ ਦੇ ਉੱਪਰੋ ਦੀ ਲਗਾਤਾਰ ਚੱਲ ਰਹੇ ਹਨ। ਇਹਨਾਂ ਸੜਕਾਂ ਤੇ ਲੜੀ ਨੰ. 1 ਅਤੇ ਲੜੀ ਨੰ. 3 ਤੇ ਦਰਸਾਈਆਂ ਸੜਕਾਂ ਤੇ ਵਿਭਾਗ ਵੱਲੋਂ ਇਸ ਸਾਲ ਪੀ.ਸੀ. ਪਾ ਕੇ ਕੰਮ ਮੁਕੰਮਲ ਕੀਤਾ ਗਿਆ ਹੈ। ਇਸ ਤਰ੍ਹਾਂ ਲੜੀ ਨੰ. 2 ਤੇ ਦਰਸਾਈ ਸੜਕ ਤੇ ਸਪੈਸ਼ਲ ਰਿਪੋਅਰ ਦਾ ਪੱਥਰ ਦਾ ਕੰਮ ਮੁਕੰਮਲ ਕੀਤਾ ਗਿਆ ਹੈ। ਇਹ ਮਿੱਟੀ ਨਾਲ ਭਰੇ ਓਵਰ ਲੋਡਿਡ ਟਿੱਪਰ/ਟਰਾਲੀਆਂ ਨਾਲ ਹਲੇ ਤੱਕ ਕਿਸੇ ਵੀ ਸੜਕ ਦਾ ਕੋਈ ਨੁਕਸਾਨ ਨਹੀਂ ਹੋਇਆ ਪਰੰਤੂ ਇਹਨਾਂ ਮਿੱਟੀ ਨਾਲ ਭਰੇ ਓਵਰ ਲੋਡਿਡ ਟਿੱਪਰ/ਟਰਾਲੀਆਂ ਨਾਲ ਲਗਾਤਾਰ ਚੱਲਣ ਕਰਕੇ ਨੇੜਲੇ ਭਵਿੱਖ ਵਿੱਚ ਇਹਨਾਂ ਸੜਕਾਂ ਦਾ ਨੁਕਸਾਨ ਹੋਣ ਦੀ ਸੰਭਾਵਨਾ ਹੈ। ਇਹ ਆਪ ਜੀ ਨੂੰ ਸੂਚਨਾ ਅਤੇ ਅਗਲੇਰੀ ਯੋਗ ਕਾਰਵਾਈ ਹਿੱਤ ਭੇਜਿਆ ਜਾਂਦਾ ਹੈ।

ਕਾਰਜਕਾਰੀ ਇੰਜੀਨੀਅਰ,
ਉਸਾਰੀ ਮੰਡਲ ਲੋ.ਨਿ.ਵਿ. ਭ ਤੇ ਮ,
ਸ਼ਾਖਾ ਸਰਹਿੰਦ।

ਪਿੱਠ ਅੰਕਣ ਨੰ.

ਮਿਤੀ.

ਉਪਰੋਕਤ ਦਾ ਉਤਾਰਾ ਉਪ ਮੰਡਲ ਇੰਜੀਨੀਅਰ, ਉਸਾਰੀ ਉਪ ਮੰਡਲ ਨੰ. 1 (ਭ ਤੇ ਮ) ਸ਼ਾਖਾ ਸਰਹਿੰਦ ਨੂੰ ਸੂਚਨਾ ਹਿੱਤ ਭੇਜਿਆ ਜਾਂਦਾ ਹੈ।

ਕਾਰਜਕਾਰੀ ਇੰਜੀਨੀਅਰ,
ਉਸਾਰੀ ਮੰਡਲ ਲੋ.ਨਿ.ਵਿ. ਭ ਤੇ ਮ,
ਸ਼ਾਖਾ ਸਰਹਿੰਦ।

ਵੱਲੋਂ ਜਿਲਾ ਵਿਕਾਸ ਅਤੇ ਪੰਚਾਇਤ ਅਫਸਰ,
ਫਤਿਹਗੜ੍ਹ ਸਾਹਿਬ।

ਸੇਵਾ ਵਿਖੇ

ਡਾ:ਬਾਬੂ ਰਾਮ,
ਟੈਕਨੀਕਲ ਐਕਸਪਰਟ,
ਮੋਨੀਟਰਿੰਗ ਕਮੇਟੀ,
ਫੋਰੈਸਟ ਕੰਪਲੈਕਸ, ਸੈਕਟਰ-68,
ਐਸ.ਏ.ਐਸ.ਨਗਰ,

ਪੱਤਰ ਨੰ:235 ਮਿਤੀ:24/12/2021

ਵਿਸ਼ਾ:- Meeting to reivew the action taken on the report on visit to the sites made on 9/12/2021 w.r.t complaint regareing illegal excavation/ mining of soil in agriculture fields of village Bhallmajra and adjoining villages, Near Chanarthal in Distt. Fatehgarh Sahib by the Monitoring Committee in compliance to order dated 10/11/2021 in O.A no.294 of 2021 in the matter of Singh Jindalpuria s/o Surjit Singh, Village Jindalpuria, Distt Fatehgarh Shib on 28.12.2021 at 11.00 AM in th office of Monitoring committee at Forest Complex, Sector-68, SAS Nagar.

ਹਵਾਲਾ:- ਆਪ ਜੀ ਦੇ ਦਫਤਰ ਦੇ ਪੱਤਰ CMC/2021/493 ਮਿਤੀ 22-12-2021 ਸਬੰਧੀ।

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਅਤੇ ਹਵਾਲਾ ਅਧੀਨ ਪੱਤਰ ਦੇ ਸਬੰਧ ਵਿੱਚ ਬੇਨਤੀ ਕੀਤੀ ਜਾਦੀ ਹੈ ਕਿ ਵਿਸ਼ੇ ਸਬੰਧੀ ਮਿਤੀ 09-12-2021 ਨੂੰ ਦੋਰਾ ਕੀਤਾ ਗਿਆ। ਜਿਸ ਦੋਰਾਨ ਨਿਮਨ ਹਸਤਾਖਰ ਨੂੰ ਸਿੰਘ ਜਿੰਦਲਪੁਰੀਆ ਪੁੱਤਰ ਸੁਰਜੀਤ ਸਿੰਘ, ਵਾਸੀ ਜਿੰਦਲਪੁਰੀਆ, ਜਿਲ੍ਹਾ ਫਤਿਹਗੜ੍ਹ ਸਾਹਿਬ ਦੇ ਪਿੰਡ ਭੱਲ ਮੱਜਰਾ, ਸੁਹਾਗਹੇੜੀ ਅਤੇ ਆਲੇ ਦੁਆਲੇ ਦੇ ਪਿੰਡਾਂ ਵਿੱਚ ਰਹਿਣ ਸਬੰਧੀ ਪੁੱਛ ਪੜਤਾਲ ਕਰਕੇ ਰਿਪੋਰਟ ਕਰਨ ਲਈ ਕਿਹਾ ਗਿਆ ਸੀ। ਇਸ ਸਬੰਧੀ ਨਿਮਨ ਹਸਤਾਖਰ ਵਲੋਂ ਪਿੰਡ ਭੱਲ ਮਾਜਰਾ, ਸੁਹਾਗਹੇੜੀ, ਜਿਲ੍ਹਾ ਫਤਿਹਗੜ੍ਹ ਸਾਹਿਬ ਅਤੇ ਪਿੰਡ ਜਿੰਦਲਪੁਰੀਆ, ਬਲਾਕ ਨਾਭਾ, ਜਿਲ੍ਹਾ ਪਟਿਆਲਾ ਦੇ ਵਸਨੀਕਾਂ/ਸਰਪੰਚਾਂ/ਪੰਚਾਇਤ ਸਕੱਤਰ ਪਾਸੋਂ ਪੁੱਛ ਪੜਤਾਲ ਕੀਤੀ ਗਈ ਅਤੇ ਪੁੱਛਣ ਉਪਰੰਤ ਪਾਇਆ ਗਿਆ ਕਿ ਸਿੰਘ ਜਿੰਦਲਪੁਰੀਆ ਪੁੱਤਰ ਸੁਰਜੀਤ ਸਿੰਘ, ਵਾਸੀ ਜਿੰਦਲਪੁਰੀਆ, ਜਿਲ੍ਹਾ ਫਤਿਹਗੜ੍ਹ ਸਾਹਿਬ ਪਿੰਡ ਭੱਲ ਮਾਜਰਾ, ਸੁਹਾਗਹੇੜੀ, ਜਿੰਦਲਪੁਰੀਆ ਅਤੇ ਆਲੇ ਦੁਆਲੇ ਦੇ ਪਿੰਡਾਂ ਦਾ ਨਿਵਾਸੀ ਨਹੀਂ ਹੈ। ਰਿਪੋਰਟ ਆਪ ਜੀ ਨੂੰ ਯੋਗ ਕਾਰਵਾਈ ਹਿੱਤ ਪੇਸ਼ ਹੈ ਜੀ।


ਜਿਲਾ ਵਿਕਾਸ ਅਤੇ ਪੰਚਾਇਤ ਅਫਸਰ,
ਫਤਿਹਗੜ੍ਹ ਸਾਹਿਬ।

ਕਾਰਜਕਾਰੀ ਇੰਜੀਨੀਅਰ,

ਉਸਾਰੀ ਮੰਡਲ, ਲੋਕ ਨਿਰਮਾਣ ਵਿਭਾਗ, ਭਵਨ ਤੇ ਮਾਰਗ ਸ਼ਾਖਾ, ਸਰਹਿੰਦ।

Email:- eecdsirhindpwdpb@gmail.com Phone:- 01763-222275

ਵੱਲ

ਡਿਪਟੀ ਕਮਿਸ਼ਨਰ,
ਜਿਲ੍ਹਾ ਫਤਹਿਗੜ੍ਹ ਸਾਹਿਬ

ਸੀਮੇ ਨੰ. 6740

ਮਿਤੀ. 22/12/21

ਡਿਪਟੀ ਕਮਿਸ਼ਨਰ	
ਡਿਪਟੀ ਕਮਿਸ਼ਨਰ	
ਡੀ.ਸੀ.	
ਡੀ.ਸੀ.	
ਸਬੰਧਤ ਖੁਦ ਮਾਫਸਰ	AL (a)
ਉਪਰੰਤ	- 2 (a)
	MA

ਵਿਸ਼ਾ:-

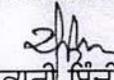
Meeting to review the action taken on the report on visit to the sites made on 09/12/2021 w.r.t. complaint regarding illegal excavation/mining of soil in agriculture fields of village Bhallmajra and adjoining villages, Near Chanarthal in Distt. Fatehgarh Sahib by the Monitoring Committee in compliance to order dated 10/11/2021 in O.A. No. 294 of 2021 in the matter of Singh Jindalpuria s/o Surjit Singh, Village Jindalpuria, Distt. Fatehgarh Sahib on 28.12.2021 at 11.00 AM in the office of Monitoring Committee at Forest Complex, Sector -68, SAS Nagar Nagar.

23/12/21

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਸਬੰਧੀ ਆਪ ਜੀ ਵੱਲੋਂ ਵੱਟਸਐਪ ਰਾਹੀਂ ਭੇਜੇ ਸੰਦੇਸ਼ ਦੇ ਸਬੰਧ ਵਿੱਚ ਆਪ ਜੀ ਨੂੰ ਲਿਖਿਆ ਜਾਂਦਾ ਹੈ ਕਿ ਇਸ ਪੱਤਰ ਵਿੱਚ ਹੇਠ ਲਿਖੀਆਂ ਤਿੰਨ ਸੜਕਾਂ ਦੇ ਉੱਪਰੇ ਦੀ ਮਿੱਟੀ ਨਾਲ ਭਰੇ ਓਵਰ ਲੇਡਿਡ ਟਿੱਪਰ/ਟਰਾਲੀਆਂ ਲਗਾਤਾਰ ਚੱਲ ਰਹੇ ਹਨ।

1. ਭੱਲਮਾਜਰਾ ਤੋਂ ਸੁਹਾਗਹੇੜੀ ਲਿੰਕ ਰੋਡ
2. ਭੱਲਮਾਜਰਾ ਤੋਂ ਤਰਖੇੜੀ ਲਿੰਕ ਰੋਡ
3. ਭੱਲਮਾਜਰਾ ਤੋਂ ਟੋਹੜਾ ਲਿੰਕ ਰੋਡ

ਇਹ ਮਿੱਟੀ ਨਾਲ ਭਰੇ ਓਵਰ ਲੇਡਿਡ ਟਿੱਪਰ/ਟਰਾਲੀਆਂ ਜੋ ਕਿ ਪਿੰਡ ਤਰਖੇੜੀ ਅਤੇ ਪਿੰਡ ਭੱਲਮਾਜਰਾ ਤੋਂ ਇਹਨਾਂ ਸੜਕਾਂ ਦੇ ਉੱਪਰੋਂ ਦੀ ਲਗਾਤਾਰ ਚੱਲ ਰਹੇ ਹਨ। ਇਹਨਾਂ ਸੜਕਾਂ ਤੇ ਲੜੀ ਨੰ.1 ਅਤੇ ਲੜੀ ਨੰ. 3 ਤੇ ਦਰਸਾਈਆਂ ਸੜਕਾਂ ਤੇ ਵਿਭਾਗ ਵੱਲੋਂ ਇਸ ਸਾਲ ਪੀ.ਸੀ. ਪਾ ਕੇ ਕੰਮ ਮੁਕੰਮਲ ਕੀਤਾ ਗਿਆ ਹੈ। ਇਸ ਤਰ੍ਹਾਂ ਲੜੀ ਨੰ.2 ਤੇ ਦਰਸਾਈ ਸੜਕ ਤੇ ਸਪੈਸ਼ਲ ਰਿਪੋਅਰ ਦਾ ਪੱਥਰ ਦਾ ਕੰਮ ਮੁਕੰਮਲ ਕੀਤਾ ਗਿਆ ਹੈ। ਇਹ ਮਿੱਟੀ ਨਾਲ ਭਰੇ ਓਵਰ ਲੇਡਿਡ ਟਿੱਪਰ/ਟਰਾਲੀਆਂ ਨਾਲ ਹਲੇ ਤੱਕ ਕਿਸੇ ਵੀ ਸੜਕ ਦਾ ਕੋਈ ਨੁਕਸਾਨ ਨਹੀਂ ਹੋਇਆ ਪਰੰਤੂ ਇਹਨਾਂ ਮਿੱਟੀ ਨਾਲ ਭਰੇ ਓਵਰ ਲੇਡਿਡ ਟਿੱਪਰ/ਟਰਾਲੀਆਂ ਨਾਲ ਲਗਾਤਾਰ ਚੱਲਣ ਕਰਕੇ ਨੇੜਲੇ ਭਵਿੱਖ ਵਿੱਚ ਇਹਨਾਂ ਸੜਕਾਂ ਦਾ ਨੁਕਸਾਨ ਹੋਣ ਦੀ ਸੰਭਾਵਨਾ ਹੈ। ਇਹ ਆਪ ਜੀ ਨੂੰ ਸੂਚਨਾ ਅਤੇ ਅਗਲੇਰੀ ਯੋਗ ਕਾਰਵਾਈ ਹਿੱਤ ਭੇਜਿਆ ਜਾਂਦਾ ਹੈ।


ਕਾਰਜਕਾਰੀ ਇੰਜੀਨੀਅਰ,
ਉਸਾਰੀ ਮੰਡਲ ਲੋ.ਨਿ.ਵਿ. ਭ ਤੇ ਮ,
ਸ਼ਾਖਾ ਸਰਹਿੰਦ।

ਪਿੱਠ ਅੰਕਣ ਨੰ.

ਮਿਤੀ.

ਉਪਰੋਕਤ ਦਾ ਉਤਾਰਾ ਉਪ ਮੰਡਲ ਇੰਜੀਨੀਅਰ, ਉਸਾਰੀ ਉਪ ਮੰਡਲ ਨੰ. 1 (ਭ ਤੇ ਮ) ਸ਼ਾਖਾ ਸਰਹਿੰਦ ਨੂੰ ਸੂਚਨਾ ਹਿੱਤ ਭੇਜਿਆ ਜਾਂਦਾ ਹੈ।

ਕਾਰਜਕਾਰੀ ਇੰਜੀਨੀਅਰ,
ਉਸਾਰੀ ਮੰਡਲ ਲੋ.ਨਿ.ਵਿ. ਭ ਤੇ ਮ,
ਸ਼ਾਖਾ ਸਰਹਿੰਦ।

ਵੱਲੋਂ ਜਿਲਾ ਵਿਕਾਸ ਅਤੇ ਪੰਚਾਇਤ ਅਫਸਰ,
ਫਤਿਹਗੜ੍ਹ ਸਾਹਿਬ।

ਸੇਵਾ ਵਿਖੇ

ਡਾ: ਬਾਬੂ ਰਾਮ,
ਟੈਕਨੀਕਲ ਐਕਸਪਰਟ,
ਮੋਨੀਟਰਿੰਗ ਕਮੇਟੀ,
ਫੋਰੈਸਟ ਕੰਪਲੈਕਸ, ਸੈਕਟਰ-68,
ਐਸ.ਏ.ਐਸ.ਨਗਰ,

ਪੱਤਰ ਨੰ: 235 ਮਿਤੀ: 24/12/2021

ਵਿਸ਼ਾ:- Meeting to reivew the action taken on the report on visit to the sites made on 9/12/2021 w.r.t complaint regareing illegal excavation/ mining of soil in agriculture fields of village Bhallmajra and adjoining villages, Near Chanarthal in Distt. Fatehgarh Sahib by the Monitoring Committee in compliance to order dated 10/11/2021 in O.A no.294 of 2021 in the matter of Singh Jindalpuria s/o Surjit Singh, Village Jindalpuria, Distt Fatehgarh Shib on 28.12.2021 at 11.00 AM in th office of Monitoring committee at Forest Complex, Sector-68, SAS Nagar.

ਹਵਾਲਾ:- ਆਪ ਜੀ ਦੇ ਦਫਤਰ ਦੇ ਪੱਤਰ CMC/2021/493 ਮਿਤੀ 22-12-2021 ਸਬੰਧੀ।

ਉਪਰੋਕਤ ਵਿਸ਼ੇ ਅਤੇ ਹਵਾਲਾ ਅਧੀਨ ਪੱਤਰ ਦੇ ਸਬੰਧ ਵਿੱਚ ਬੇਨਤੀ ਕੀਤੀ ਜਾਦੀ ਹੈ ਕਿ ਵਿਸ਼ੇ ਸਬੰਧੀ ਮਿਤੀ 09-12-2021 ਨੂੰ ਦੋਰਾ ਕੀਤਾ ਗਿਆ। ਜਿਸ ਦੋਰਾਨ ਨਿਮਨ ਹਸਤਾਖਰ ਨੂੰ ਸਿੰਘ ਜਿੰਦਲਪੁਰੀਆ ਪੁੱਤਰ ਸੁਰਜੀਤ ਸਿੰਘ, ਵਾਸੀ ਜਿੰਦਲਪੁਰੀਆ, ਜਿਲ੍ਹਾ ਫਤਿਹਗੜ੍ਹ ਸਾਹਿਬ ਦੇ ਪਿੰਡ ਭੱਲ ਮਾਜਰਾ, ਸੁਹਾਗਹੇੜੀ ਅਤੇ ਆਲੇ ਦੁਆਲੇ ਦੇ ਪਿੰਡਾਂ ਵਿੱਚ ਰਹਿਣ ਸਬੰਧੀ ਪੁੱਛ ਪੜਤਾਲ ਕਰਕੇ ਰਿਪੋਰਟ ਕਰਨ ਲਈ ਕਿਹਾ ਗਿਆ ਸੀ। ਇਸ ਸਬੰਧੀ ਨਿਮਨ ਹਸਤਾਖਰ ਵਲੋਂ ਪਿੰਡ ਭੱਲ ਮਾਜਰਾ, ਸੁਹਾਗਹੇੜੀ, ਜਿਲ੍ਹਾ ਫਤਿਹਗੜ੍ਹ ਸਾਹਿਬ ਅਤੇ ਪਿੰਡ ਜਿੰਦਲਪੁਰੀਆ, ਬਲਾਕ ਨਾਭਾ, ਜਿਲ੍ਹਾ ਪਟਿਆਲਾ ਦੇ ਵਸਨੀਕਾਂ/ਸਰਪੰਚਾਂ/ਪੰਚਾਇਤ ਸਕੱਤਰ ਪਾਸੋਂ ਪੁੱਛ ਪੜਤਾਲ ਕੀਤੀ ਗਈ ਅਤੇ ਪੁੱਛਣ ਉਪਰੰਤ ਪਾਇਆ ਗਿਆ ਕਿ ਸਿੰਘ ਜਿੰਦਲਪੁਰੀਆ ਪੁੱਤਰ ਸੁਰਜੀਤ ਸਿੰਘ, ਵਾਸੀ ਜਿੰਦਲਪੁਰੀਆ, ਜਿਲ੍ਹਾ ਫਤਿਹਗੜ੍ਹ ਸਾਹਿਬ ਪਿੰਡ ਭੱਲ ਮਾਜਰਾ, ਸੁਹਾਗਹੇੜੀ, ਜਿੰਦਲਪੁਰੀਆ ਅਤੇ ਆਲੇ ਦੁਆਲੇ ਦੇ ਪਿੰਡਾਂ ਦਾ ਨਿਵਾਸੀ ਨਹੀਂ ਹੈ। ਰਿਪੋਰਟ ਆਪ ਜੀ ਨੂੰ ਯੋਗ ਕਾਰਵਾਈ ਹਿੱਤ ਪੇਸ਼ ਹੈ ਜੀ।


ਜਿਲਾ ਵਿਕਾਸ ਅਤੇ ਪੰਚਾਇਤ ਅਫਸਰ,
ਫਤਿਹਗੜ੍ਹ ਸਾਹਿਬ।