

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

Original Application No. 480/2022

IN THE MATTER OF:

Kuldeep ... Applicant

Versus

State of Haryana ... Respondent

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BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL,
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O A 480 of 2022

Kuldeep ...Applicant

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**JOINT COMMITTEE REPORT IN COMPLIANCE OF HON'BLE
NATIONAL GREEN TRIBUNAL ORDER DATED 22.11.2023 IN
THE MATTER OF OA NO. 480 OF 2022 .**

Most Respectfully Submitted as Under:

1. The Hon'ble NGT vide order dated 22.11.2023 was pleased to pass the following directions:

Constitute a Joint Committee comprising of representatives of CPCB, MoEF & CC and Mr. Narender Pal, Advocate and direct the same to undertake visits to the stone crushers, look into the grievances of the applicant, associate the applicant and representatives of the concerned project proponents at the time of visits, verify the factual position regarding compliance status of the stone crushers with respect to all relevant parameters laid down in Haryana Government Notification dated 11.05.2016 and HSPCB consent conditions imposed at the time of grant of CTE/CTO and suggest appropriate remedial action.

In its report, the Joint Committee shall mention all requisite specifications/measurements regarding the wind breaking wall, pollution control devices, metalled road, green belts with particulars regarding number, species of trees/plants, area covered etc.

Report of the Joint Committee be submitted on or before

15.12.2023 at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Supported PDF and not in the form of Image PDF.

2. In compliance of order passed by the Hon'ble NGT, the Joint Committee comprising of Sh. Suneel Dave, Scientist E, Director Regional Directorate, CPCB, Chandigarh, Dr. K. Muthamizh Selvan, Scientist E, Additional Director, MoEF, Chandigarh and Mr. Narender Pal Singh, Advocate, visited the stone crushers of Birhi Kalan, Charkhi Dadri on two occasions i.e. 04.12.2023 and & 11.12.2023.

The observations are summarised as follows:-

3. The Joint Committee heard the grievance of the complainant in person on 04.12.2023, who was present at site and upon enquiring from him, he stated to be satisfied with the measures adopted by stone crushers to reduce dust pollution. He was at the site for about an hour and left after.
4. The Joint Committee visited **30** nos of stone crushing units located in Birhi Kalan, Charkhi Dadri.

Out of **30** stone crushing units the following **05** units were found to be dismantled on site : i) VK Stone Crushing Co. Village Birhi Kalan, ii) Chaudhary Stone Crusher, Village Birhi Kalan, iii) NK Builder & Stone Crusher, Village Birhi Kalan, iv) Jai Baba Jamna Giri Stone Crusher, Village Birhi Kalan, v) Rapid Stone Crusher, Village Birhi Kalan.

02 units namely Baba Hari Dass Stone Crushing Co. Village Birhi Kalan, Cirag Stone Crusher Village Birhi Kalan, have been issued closure directions by HSPCB directions.

Rest 23 units were found to be operating.

5. The cluster has **23 operating stone crushing units** located on either side of a village road on a strip of approx. 2.0 km. Most of the stone crushers are with contiguous boundaries except a few and fall in line.

The Committee has further recorded the following observations for overall remaining 23 stone crushing units, surrounding area and access road.

- (a) The covered sheds provided for dust containment were either found broken at many places and/or replaced with green net curtains for a temporary or an ad hoc arrangement. Similarly, the owners of the stone crushers claimed to have provided water sprinklers which were more than the prescribed number of 50 (as per the notification), but the same were found to be improperly located not able to serve the purpose.

Even the spraying was not very effective due to lack of proper power of water pump and water supplied through its associated systems. This resulted into defeating very objective of providing the sprinkler system as the most operating area either remained dry or got muddy due to overwatering.

- (b) The units have either constructed bricks walls or erected

metal sheets barrier to function as the wind breaking wall. It was observed that the sheets barrier had air gaps/wide slits between the two sheets. The gaps/slits (horizontal or vertical) between the sheets have reported to be the part of design itself and just provided to reduce or eliminate wind pressure for better stability and sustainability of the barrier. However, if such is the case, the barrier has failed to serve the function of the wind breaking wall as envisaged in the aforementioned notification.

Similarly, all the stone crushing units have said to have provided telescope chute at the terminal/ transfer point of conveyor belts carrying crushed materials but none of them were found to be in proper shape/place except a few places where it was found broken/damaged due to unskilled operation or mishandling. The product i.e. Crushed material was lying uncovered.

At many places the conveyor belts were observed to be covered with net/ curtains or with PVC sheets but it the same was damaged at many spots. Both the points i.e. non availability of telescope chute and inappropriate coverage over the conveyor belts are potent sources for fugitive's emissions of stone dust due to wind being positioned at elevated levels.

- (c) The owners/representatives of the stone crushers also made the claims that they have provided metal roads within the premises where heavy truck/JCB movement is done. But on detailed enquiry and physical observation, they revealed that only interlocking blocks were used in making the roads as

metalled road were not practical and water would not seep through the same. The entire area covered under the interlocking tiles could not completely be confirmed as a thick layer of stone dust was found to be deposited over the said area. This situation further indicates that since long no cleaning or dust removal was done and that has accounted for non-compliance of the prescribed norms under the notification referred for establishment of the stone crusher.

- (d) Some of the stone crushing units have also established resting rooms for workers and owners/managers.
- (e) There is no interlocking arrangement by the crushers between the sprinkler system and crushing operation. It is for the purpose of environment protection, that the notification stated the interlocking arrangement, which means that crushing operation would assume only when the sprinkler system starts and in the event of sprinkler system malfunctioning, the entire crushing operation would be brought to a halt.

But this is not the case in these stone crushers as crushing operation and sprinkler system were found and observed to be independent in operation of each other.

- (f) In compliance with the notification dated 11.05.2016, all the stone crushing units have been required to have separate energy meters and water pumping measuring devices and maintain log books for the same. But the record keeping was found to be stereotypical and did not provide confidence

about the data maintained.

- (g) The dismantled stone crushers have left the part of plant and machinery on the premises/ground where it existed. Also, stone dust heaps and uncrushed stones with dust were found to be lying over the fields. This can lead and may cause fugitives emissions of stone dust due to wind.
- (h) The main/common access village road to the stone crushers, being used by the crushers for movement is unpaved, made of natural soil only that has received compaction due to heavy transport vehicles movement. The unpaved road is also bound to generate dust during summer and dry spell of season even though water sprinkling was found to done on our 2nd visit. No avenue plantation was found on either side of the road. It was also observed that a lot of dust deposited over the leaves, crops and vegetation growing in fields in and around the cluster.
- (i) The green belt provided is not proper at the periphery of stone crushercluster & connecting road to the stone crusher cluster of Vill. Birhi Kalan. Tree plantation by the stone crushers have been done the boundary/periphery as green belts following due approval from Divisional Forest Officer. But the pattern and survival rate or arrangement was found totally unsatisfactory, illogically planted and it could not be termed as green belts as required under the above-mentioned notification. Lack of local native species in the green belt/plantation was also observed.

Given the above observations, the following recommendations are made for the kind consideration of the Hon'ble Tribunal.

- i) The Committee is of opinion that the notification dated 11/05/2016 issued by the state of Haryana may be revisited considering the implementation status across the stone crushers, as the same seems to have been mechanically issued, without keeping in mind the actual ground reality and the geography of the area. (keeping in mind the location and situation of the stone crushers). This would result in an improvised compliance by the crushers. Further till such time the state should ensure strict compliance and Implementation of the guidelines issued by CPCB in July 2023 and the notification dated 11/05/2016 issued by the State of Haryana.
- ii) The gap in the wind breaking wall should be covered with flexible cloth/trampoline.
- iii) That the stone crushing units may be directed to rectify the deficiencies as observed above and as stated herein. They may be allowed to operate for a limited time during the day, so as to reduce and mitigate the dust emission and the regular operation of the crushing units be permitted once satisfactory compliance is achieved by the units.

- iv) The Divisional Forest Officer at Charkhi Dadri be asked only to approve scientifically evaluated plan for development of green belts (by suggesting combination of native timber trees, fruit trees, flowering trees, and shrubs for maintaining a balanced eco system) for the crushers. This is to attend more important, as it was observed that many crushers have provided Eucalyptus trees as part of green belt, known for high Evapotranspiration rate and at the same time not native of land.
- v) Since, all these 23 (presently functioning) stone crushing units are located within an area measuring approx. 2 square kilometres therefore a cumulative impact on environment is expected to be of multitude degree, considering the production capacity of all the crushers putting together. Thus, this has warranted more vigorous enforcement to be in place by such mechanisms which would govern the production on exigencies if air quality so demanded.
- vi) That in order to arrest the dust emissions due to movement of heavy transport vehicles on village road connecting the stone crushing units of the area an avenue plantation is required to be immediately developed. Since, the road and area occupied the stone crushing units belong to private property, therefore the Committee is of the opinion that a renowned non-governmental organization (NGO specializing in tree

plantation) be appointed by this Hon'ble Tribunal and the stone crushers association along with the District Mineral Foundation Fund be directed to render all local logistical support and financial aid in developing the required green belts and avenue plantation.

- vii) That the present green belt/tree line of the area should regularly be washed/cleaned/sprayed through portable/movable sprinklers through hose pipes.
- viii) A dedicated truck with mounted anti-smog gun should be provided for stone crusher cluster in the jurisdiction of village Birhi Kalan and the expenditure of same may be accorded from the Environment Compensation fund collected by HSPCB.
- ix) The HSPCB should be directed to regularly carry out the Ambient Air Quality Monitoring of the stone cluster area.
- x) **That after visiting the area and experiencing the on-ground situation and compliance status of environmental parameters by the stone crushers, it is very likely that the workers/residents, directly or indirectly engaged by the units and villagers residing in vicinity & adjoining villages get affected from the dust emitted because of the crushing operation.**

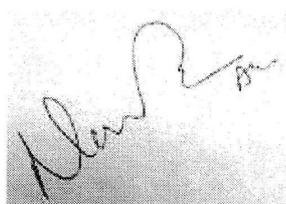
This therefore, demands that a Health Study, mainly related to respiratory diseases on the population and

workers be carried out by the District Administration and if necessitated in the study finding, further appropriate measures be undertaken.

- xi) **The Committee has also felt the need and requirement of establishing a permanent primary health center at the cluster reach (under the direct supervision of the Chief Medical Officer, Charkhi Dadri), which should be equipped with emergency services like ambulance for handling seriously injured workers engaged in heavy loading and machinery/plant, free medicines, nebulizers, regular visit of a chest specialist and regular health checkup of the workers residents which could be funded through the District Mineral Foundation Fund.**
- xii) The units should be directed to install display board at entrance having details of unit name, CTO validity status, plant capacity & contact details of owner/manager, demarcated entry and exit gate for trucks.
- xiii) The stone crusher association of Birhi Kalan may also be also directed to carry out the restoration of the land of the **05** dismantled stone crushing units and immediately remove the raw material, stones etc. lying on the said patches.
- xiv) The Committee made references to the reports filed by

Deputy Commissioner, Charkhi Dadri and observed that the reports were mechanical in nature therefore compliance status also varied from time to time and observer to observer. Thus, it is suggested to have more cautious approach by the enforcement agencies in handling such sensitive environment issues and to have an improved compliance level from the stone crushers.

The Joint committee most respectfully submits the above report and the same may kindly be taken on record.



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