

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

ORIGINAL APPLICATION NO. 362 OF 2022

IN THE MATTER OF:

Aravalli Bachao Citizens Movement

...Applicant

Versus

Union of India & Ors.

...Respondents

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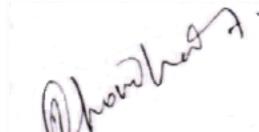
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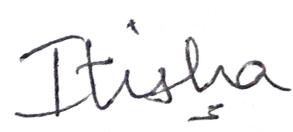
THROUGH



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PLACE:- DELHI

DATED:- 5.08.2024

**BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL
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ORIGINAL APPLICATION NO. 362 OF 2022

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SUBMISSIONS ON BEHALF OF APPLICANT

1. That the present Application against the Union of India and other respondents praying for, amongst other prayers **"(iv) Constitute an Independent Aravalli Protection Authority which looks at the protection of the entire Aravalli range across the 4 states as one ecosystem and takes action to protect it from further degradation."** amongst other prayers was filed under Section 14 and Section 15 of the National Green Tribunal Act, 2010 highlighting ongoing illegal sand and stone mining taking place in the entire Aravalli ranges, by providing the example of three representative districts of Haryana, namely Faridabad, Gurugram and Nuh. This mining is taking place in violation of the Rule of Law and Constitution of India, even otherwise natural manifestations such as flora and fauna, streams, rivers, ponds, grasslands, depressions, savannahs, forests, hills and mountains, being natural public assets are protected by the public trust doctrine. Environmental statutes and judgements are merely a recognition of the fact that natural public assets are protected by the public trust and such assets cannot be destroyed by passage of legislation.
2. That in the Original Application, the Applicant had pointed out 16 locations where illegal sand and stone mining is taking place in the three districts of Faridabad, Nuh and Gurugram (at Page 21). Further, the

Joint Committee Report dated 28.11.2022 pointed out 38 additional sites where illegal mining has been reported (at Page 361). During the course of the matter, the Applicant came to know of 10 more locations where illegal mining was taking place which were pointed out by the Applicant by filing Reply dated 17.10.2023 (at Page 889).

3. That the authorities in the matter have stated that the following steps have been taken with respect to stoppage of illegal mining in Aravallis and for restoration of the area:

- (i) Constitution of Aravalli Rejuvenation Board for all Aravalli districts of State of Haryana (*as per Affidavit of Chief Secretary dated 12.04.2023 (Page 621)*);
- (ii) District level Task Force (*Affidavit of Deputy Commissioner, Faridabad dated 17.10.2023 (Page 966), Affidavit of District Commissioner, Nuh dated NIL (Page 881) and Affidavit of Deputy Commissioner, Gurugram dated NIL (Page 873)*);
- (iii) Standard Operating Procedure for imposition and realisation of environmental compensation (*Action Taken Report of State of Haryana dated 30.04.2024 (Page 1034)*);
- (iv) Constitution of special cell (*Affidavit of Mining and Geology Department dated 11.04.2023 (Page 601) Affidavit of Chief Secretary (Page 621)*);
- (i) Setting up of control room for reporting of illegal mining incidents (*Affidavit of Mining and Geology Department dated 11.04.2023 (Page 601) and Affidavit of Environment, Forest and Wildlife Department, Haryana Government dated 21.03.2024 (Page 1005)*).

4. That the Hon'ble Tribunal had given directions for implementation of the above-mentioned points vide Orders dated 10.10.2022, 28.04.2023, and 11.12.2023. In addition to implementation of the above-mentioned points, the Hon'ble Tribunal had directed that the directions given by

this Hon'ble Tribunal vide order dated 26.02.2021 in **Original Application No. 360 of 2015 (NGT Bar Association Vs. Virender Singh)** for preventing illegal mining should be complied with. The relevant para from Order dated 11.12.2023 is reproduced below for reference:

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

5. That while the matter was pending, this Hon'ble Tribunal took cognizance of illegal mining taking place in private and panchayat land in Village Rithoj, District Gurugram, Haryana in the case of **H. S. Khatana v. Union of India (Original Application No. 295 of 2021)**.

Copy of Order dated 09.02.2024 in **H. S. Khatana v. Union of India (Original Application No. 295 of 2021)** is annexed herewith as **ANNEXURE A-1**.

6. That at para 12 of Order dated 09.02.2024 in **H. S. Khatana v. Union of India (Original Application No. 295 of 2021)**., the Hon'ble Tribunal while disposing off the matter, considered the Report dated 08.02.2024 filed by Haryana Pollution Control Board and directed that action, as elaborated upon in the Report, shall be taken. These directions related to regular inspections at the site, constitution of

Aravalli Rejuvenation Board, setting up of Control Room, drone survey, setting up of CCTV cameras, nakas, generating community awareness and new portal for registration of GPS enabled vehicles. The Report also makes mention of State Level Committee that was to examine the Aravalli Rejuvenation Plans prepared by the District Committees (Para 13 of the quoted Report):

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

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

- i. Dr. Babu Ram, Technical Expert. HSPCB (Head of the Committee-cum-Convener)*
- ii. Smt. Madhavi Gupta. State Mining Engineer.*
- iii. Dr. Sumeet Dookia, Sr. Scientist, Wildlife Research, Indraprast, University,*
- iv. Col. Sarrvadaman Singh Oberoj, Mrs. Neelam Ahluwalia from Aravali Bachao Citizen Movement*
- v. One officer each dealing with Forests and Wild Life to be nominated by the concerned departments....."*

7. That at paras 13-15 of Order dated 09.02.2024 in **H. S. Khatana v. Union of India (Original Application No. 295 of 2021)**, the Hon'ble Tribunal directed the following:

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

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

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

8. That however, the directions given in H. S. Khatana were limited in scope and pertained only to the specific land in Rithoj where illegal mining was taking place. In order for the same to be applicable in the present Original Application, the Hon'ble Tribunal may, in its wise discretion, consider making the Order applicable in a wider area across the eco-sensitive Aravallis, fragmentation of which has occurred and inevitable destruction is likely to be caused as collateral disasters occur over next 10-15 years in heavily populated NCR Areas. The control and rejuvenation measures include advanced 24 hour drone surveillance, periodic satellite monitoring, forest guards, GPS monitored E-ravanna and spot site inspections by third party.

(i) Drones and regular site inspections

9. That the Order of this Hon'ble Tribunal in H. S. Khatana refers to Para 4 of the Report of HPCB filed in the matter to state that steps should be taken to ensure no illegal mining takes place at the site and a designated committee is constituted to conduct regular visit at the site. However, these directions have only been issued for the location under question in H. S. Khatana and not for other areas of Aravalli. The Report states:

"illegal mining in village Rithoj (Gurgaon) has been addressed by taking steps including digging trenches and constituting a designated committee to have regular visit at the site".

10. That similarly, with respect to steps for surveillance by drones, the Report is only limited to District Nuh and only mentions that steps to stop illegal mining and to catch vehicles involved in illegal mining have been taken in District Nuh. With respect to Gurugram, the Report states that process of procurement of drone service has started, however, no further steps have been taken. With respect to District Faridabad, no steps have been taken. The Report states as follows:

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

...

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

11. That the present Original Application was filed praying for, amongst other prayers **"(iv) Constitute an Independent Aravalli Protection**

Authority which looks at the protection of the entire Aravalli range across the 4 states as one ecosystem and takes action to protect it from further degradation.” amongst other prayers giving the example of illegal mining of sand and stone in three districts of Haryana i.e. Gurugram, Faridabad and Nuh. However, the order in H. S. Khatana was limited to only one location.

12. In light of the above, this Hon'ble Tribunal, in its wise discretion, may direct usage of advanced 24 hour drone surveillance, periodic satellite monitoring, forest guards, GPS monitored E-ravanna and spot site inspections by third party to be conducted for a wider area, and not just for limited areas, as has been proposed in H. S. Khatana order.

- (ii) Standard Operating Procedure for imposition of environmental compensation has been substantially revised in the present matter (OA 362 of 2022)

13. That the order in H. S. Khatana mentions a Standard Operating Procedure (SOP) for imposition of environmental compensation. The Order refers to Para 17 of the Report which states the following:

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

14. That the SOP mentioned in the above-quoted order was also filed before the Hon'ble Tribunal in the present matter. However, vide Order dated

22.03.2024, this Hon'ble Tribunal had pointed the following deficiencies in the SOP and directed for a fresh SOP to be filed:

"4. In SOP reference has been made to Rule 104 of the Haryana Minor Mineral Concession, Stocking and Transportation of Minerals and Prevention of Illegal Mining Rules, 2012 which exempts registration of FIRs on First and Second offence. Question of the same being ultra-virus the constitution/the parent Act and violative of the directions issued by the Hon'ble Supreme Court and this Tribunal needs to be examined.

5. The SOP prepared is also materially deficient and needs review particularly with respect to the aspect of realization of environmental compensation as it inhibits concerned Deputy Commissioner from recovering environmental compensation immediately on default and mandates him to take action in case of failure to deposit EC after six months."

15. That in pursuance of this Order, a fresh SOP was filed by the State of Haryana as part of the Action Taken Report dated 30.04.2024 (Page 1034) providing clarification on the deficiencies pointed out by the Hon'ble Tribunal. However, this SOP was not placed before the Hon'ble Tribunal in H. S. Khatana and no orders were passed on it.

16. That therefore, the Hon'ble Tribunal, in the present matter, may consider the revised SOP and pass appropriate orders.

17. That in addition to the SOP, the provisions of the Sustainable Sand Mining Management Guidelines 2016 and Enforcement and Monitoring Guidelines for Sand Mining, 2020 issued by the Ministry of Environment, Forest & Climate Change should also be complied with.

(iii) Compliance with the timelines for preparation of Aravalli Rejuvenation Plan has not been done

18. That preparation of Rejuvenation Action Plan has been substantially delayed and the timelines given in H. S. Khatana as well as in the present Original Application are not being met.

19. That the Order in H. S. Khatana states that for preparation and finalisation of Rejuvenation Action Plan, 3 months' time is granted. The Order dated 09.02.2024 reads as follows:

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

20. That in the present Original Application, Haryana Pollution Control Board vide Affidavit dated 08.12.2023 had stated that the Rejuvenation Action Plan shall be finalised within a period of 2 months.

21. That however, no work for preparation and finalisation of Aravalli Rejuvenation Plan has even started, which is clear from the Minutes of the Meeting dated 28.05.2024 of the Committee constituted by the Hon'ble Tribunal in the present matter (OA 362 of 2022). The Minutes clearly show that the status of finalisation of the Plan is only at preparatory stage and no concrete steps have been taken on the ground level. Not even a rupee has yet been sanctioned for the purposes of executing or even preparing the rejuvenation plan.

Copy of Minutes of the Meeting dated 28.05.2024 of the Committee constituted by the Hon'ble Tribunal is annexed herewith as **ANNEXURE A-2.**

22. In light of the above facts, the Hon'ble Tribunal may be pleased to pass the following directions:

- (i) The State Level Committee formulated for implementation of Aravalli Rejuvenation Plans as noted at Para 12.13 of Order dated 09.02.2024 in **H. S. Khatana v. Union of India (Original Application No. 295 of 2021)**., should be directed to continue monitoring and checking compliance with respect to implementation of the Rejuvenation Plan by control and rejuvenation measures including advanced 24 hour drone surveillance, periodic satellite monitoring, forest guards, GPS monitored E-ravanna and spot site inspections by third party.;
- (ii) The Standard Operating Procedure for imposition of environmental compensation filed by State of Haryana as part of the Action Taken Report dated 30.04.2024 may be made applicable, in addition to the provisions of the Sustainable Sand Mining Management Guidelines 2016 and Enforcement and Monitoring Guidelines for Sand Mining, 2020 issued by the Ministry of Environment, Forest & Climate Change;
- (iii) The District Level Task Force (at Para 5 of the quoted Report in H. S. Khatana order) should be directed to function for the entire Aravalli range;
- (iv) The Hon'ble Tribunal may be pleased to pass the above-stated directions and direct that these directions along with the directions passed in the Order of H. S. Khatana may be made applicable in the present case;
- (v) Direct for compliance with the directions passed in H. S. Khatana, since the timelines mentioned in the Order with respect to finalisation of Aravalli Rejuvenation Plans have not been met.

vi) Pass any other order as this Hon'ble Tribunal may deem fit in the facts and circumstances of the present case.


APPLICANT

THROUGH


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VERIFICATION

Verified by Lt. Col. (Retd.) Sarvadaman Singh Oberoi, aged about 74 years, S/o Late Capt H.S. Oberoi, R/o 1102/Tower I, Uniworld Garden, Sector-47, Gurgaon, Haryana-12201, do hereby verify that the contents of Paragraphs 1 to 22 are true to my personal knowledge and nothing material has been concealed therefrom.


APPLICANT

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH AT NEW DELHI

ORIGINAL APPLICATION NO. 362 OF 2022

IN THE MATTER OF:

ARAVALLI BACHAO CITIZENS MOVEMENT

...APPLICANT

VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS

AFFIDAVIT

I, Lt. Col. (Retd.) Sarvadaman Singh Oberoi, aged about 74 years, S/o Late Capt H.S. Oberoi, R/o 1102/Tower I, Uniworld Garden, Sector-47, Gurgaon, Haryana-12201, Presently at New Delhi do hereby solemnly affirm and state as follow:

1. That I am the Applicant in the above titled Original Application, and hence well conversant with the facts and circumstances described in the present case and as such competent to swear this Affidavit.
2. That the contents of the accompanying Affidavit are true and correct and nothing material has been concealed therefrom.

Handwritten signature
I, IDENTIFIED THE DEONANT WHO HAS SIGNED IN MY PRESENCE

Handwritten signature
DEPONENT

VERIFICATION

Verified on this 02 day of August, 2024 that the contents of the present Affidavit are true and correct to my knowledge and belief and nothing material is concealed therefrom.

NOTARY PUBLIC APPOINTED BY GOVT. OF INDIA C. S. KHARBANDA	
Notary Reg. No 785	02 AUG 2024
ADVOCATE ENL. No. D 287/81	
ATTESTED 9899422266	

Handwritten signature
DEPONENT

ATTESTED
Handwritten signature
NOTARY PUBLIC

Item No.05

Court No. 1

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

Original Application No. 295/2021

H S Khatana

Applicant

Versus

State of Haryana

Respondent

Date of hearing: 09.02.2024

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

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

ORDER

1. Grievance in this application is against illegal mining in private and panchayat land to the detriment of environment at Village Rithoj, District Gurugram, Haryana. It is stated that mining is being done without requisite permission and in unscientific manner, resulting in depletion of water table, green cover and damage to water bodies.
2. Matter was examined by Tribunal on 10.11.2021 and after referring to its earlier order dated 26.02.2021 passed in *O.A. No. 360/2015, NGT Bar Association vs. Virender Singh (State of Gujarat)*, Tribunal constituted a joint Committee comprising Haryana State PCB, SEIAA, Haryana and District Magistrate, Gurgaon to ascertain facts and furnish a factual and action taken report in the matter.
3. Pursuant thereto, report dated 28.08.2022 was filed stating that inspection was conducted on 10.05.2022.

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

“Finding and Conclusion: -

1. *There are irrefutable signs of recent/fresh mining and transportation of sand about which no permit or plausible explanation or action taken report was available till the day of inspection and further till now.*
2. *The mining conditions regarding felling of trees without due permission and restricting the depth of digging to 9 ft. have been blatantly violated,*
3. *Based on above findings, **the grievances of the complainant regarding (i) mining without permit, (ii) mining in unscientific manner and (iii) depletion of green cover carry weight at least in regard to the recent/fresh mining instances. Depletion of water table and damage to water bodies is not being caused by the mining activity per se, but subsequent land leveling/compacting may obliterate small body bodies and impoverish sub-surface moisture regime. Denudation may increase evaporation losses and enhanced absorption of solar heat. Removal of porous sand and increase in impervious surface may reduce infiltration and affect ground water table. At present, the old mining pits are serving as seasonal water conservation puddles.***
4. ***This site adjoins the Aravalli hill range which makes an important wildlife habitat and a narrow wildlife corridor from Mount Abu to Delhi. The ecology of the tract already under stress due to biotic pressure from both sides of the Aravalli hills. The indiscriminate mining in this area is poised to cause irreversible damage to the natural ecosystem, wildlife habitat, enhance air pollution and add to global warming. Therefore, all concerned departments need to take timely and effective measures to enforce the applicable laws/rules in the interest of the environment and ecology of the region.”***

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

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

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

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

“A. ATR of Forest Department

1. *It is stated in the ATR that Rectangle nos. 24(min), 25(min). 26(min), 44(min) and 45(min) are covered either under Aravalli Plantation or notified u/s PLPA 1900 and thus are forest land, and that `No mining activity in the forest land is permitted and forest department takes action against the offenders as per law. Further, entire area of Sohna tehsil is notified under general section 4 of PLPA wherein felling of trees without permission from the Forest Department is prohibited. It has been stated that Forest Department has not issued any permission of tree felling for carrying out or enable mining in the said land either to panchayat or mining agency.*
2. ***The responsibility of seeking such permission from the Forest Department lies with the land-owning agency or the agency carrying out mining. However, the responsibility of taking action on any violation of PLPA by carrying out any unpermitted activity lies with the Forest Department, which ought to be done timely of their own instead of waiting some committee to point out the violation.***
3. *As mentioned in the Forest Department's ATR that the time-series analysis of satellite images does indicate mining and tree felling instances. The value of trees or plants in this sandy tract doesn't lie as much in their timber or fuel value as in the ecosystem services rendered by them in the form of sand dune stabilization, soil binding, addition of organic matter and moisture conservation as shown in photo plate P7 & P8. However, **in total indifference to the ecosystem***

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

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

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

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

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

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

B. ATR of Mining and Geology Department

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

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

2. The mining officer's plea of (i) consent of the owner for the excavation and (ii) use of the earth in the development of a National Highway Project do not justify violation of the mining rules in vogue and eventual damage to the ecosystem and environment.
3. The claim of the Mining Officer regarding compliance of STP conditions is unacceptable. The **uprooting/damage of trees during mining is apparent albeit there is no instance of obtaining prior permission from the forest department. Similarly, the depth of digging far above the height of the excavators' bucket and exceeding the permissible 9' is more than apparent. Further, there is no record of any action taken against any permit holder for violation of the permit rules/conditions, like imposing penalty etc.**
4. **There is no explanation viz., any right, privilege, concession, permit or license issued under any rule for the new mining operations and the activation of old mines noticed by the joint committee on 25.01.2023.**
5. Besides registration of the FIR on 25.01.2023, on recommendation of the BDPO Sohna. the Gram Panchayat Rithoj constituted a local committee on 17.01.2023 comprising the Sarpanch, Panch, Panchayat Secretary, village Chaukidar, Mining Guard and Forest Guard to stop the illegal mining. This committee should work earnestly to ensure prevention of illegal mining.
6. Other measures reported in the ATR include deputing a mining guard for strict vigil over illegal mining, erecting a sign-board and digging trenches at the entry and exit points of Panchayat Land dunes. The signboard and the trenches dug at the mining entry and exit points are shown in photo P1. However, **these measures have been taken very late after the previous committee visit on 10.05.2022 because in the meantime, the mine in Rectangle 7 (P3) has been further extended/deepened whereas in Rectangle 25, fresh-mining operations (P4) and activation of old mines (P6) were observed.**
7. **The mining officer has estimated the quantity of the theft of earth on three sites as 2860, 588 and 274 MT. The loss of royalty to the government @ Rs. 3.50 per MT as per Mining Rule of 2012 works out to Rs. 10010, 2058 and 959 respectively further totaling to Rs 13,027/-. Besides the loss of revenue to the government, there is much more ecosystem loss in terms of disturbing the stabilized sand dunes, moisture conservation and green cover. It is expected that the**

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

5. Findings and Conclusion: -

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

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

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

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

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

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

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

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

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

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

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

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

7. That Sign Boards have been placed in prominent places in the Aravali Areas of District Faridabad, Gurugram and Nuh indicating that mining is prohibited and same is punishable offence. Photographs of such sign boards/paintings in Gurugram and Faridabad are annexed herewith as ANNEXURE - R/5.
8. That on 17 November 2023, a meeting of all concerned officers including Additional Chief Secretary-Environment & Forest Department, Director General, Mines & Geology Department, ADGP (Law & Order), Member Secretary, HSPCB, Deputy Commissioners of these three districts and other officers concerned was held under the chairmanship of Chief Secretary, Govt. of Haryana. After detailed discussion, further information was asked from the department concerned on various points including plantation done in aravali area, use of drones & CCTV camera, cases of illegal mining and action taken thereon etc. After the said meeting, on the basis of information provided, steps taken by respective authorities to prevent illegal mining are narrated in succeeding paragraphs.

Incidents of Illegal Mining and Action Taken:

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

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

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

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

10. That as per reports received from all the departments concerned, mining instances were noticed in district Nuh. At first instance, drone mapping and use of CCTV cameras have been adopted in district Nuh by the Police Department. The steps taken by the Police Department in district Nuh to stop illegal mining and to catch vehicles involved in illegal mining are summarized as under:
 - (i) Drone Survey is being done once in a week and thereafter suspicious places are being physically verified by the police personals.
 - (ii) 13 number of Police Nakas have been setup intra-District (7) and at inter-state boundary (6). At some Nakas, Night Vision CCTV Footage Cameras are set up and images are being monitored at Control Room at SP Officer, Nuh.
 - (iii) Joint combing of Para-Military Force and the Haryana Police is being done to identify the mining prone areas.
 - (iv) A special Anti-Mining Staff has been constituted which do patrolling day and night in illegal mining prone areas. Trenches has been digged on the approach path towards Aravali range exposable to mining.
 - (v) To create awareness in the community for protection of Aravali, Nuh Police holds tours to hills & session for Students. Visit of students of 15 Sr. Secondary Schoc Is have been organized with teachers of Geology, Botany and officials of Forest Department to aware the students about bio-diversity of Aravali and create atmosphere at public at large to prevent illegal mining.
11. That the Gurugram Metropolitan Development Authority has initiated tendering through Gem portal of Govt. of India for the procurement of Drone Service for all these three districts

New Portal & Registration of GPS enabled vehicles only:

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

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

Restoration Plan for Mining affected areas:

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

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

- i. Dr. Babu Ram, Technical Expert. HSPCB (Head of the Committee-cum-Convener)
- ii. Smt. Madhavi Gupta. State Mining Engineer.
- iii. Dr. Sumeet Dookia, Sr. Scientist, Wildlife Research, Indraprast, University,
- iv. Col. Sarvadamani Singh Oberoi, Mrs. Neelam Ahluwalia from Aravali Bachao Citizen Movement
- v. One officer each dealing with Forests and Wild Life to be nominated by the concerned departments.

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

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

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

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

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

Under Phase-1:

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

Under phase-2:

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

Rejuvenation Plans and recommendations made by the experts.

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

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

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

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

- (i) Compilation of all directions/orders issued by Hon'ble Supreme Court of India, National Green Tribunal and High Court of Punjab & Haryana.*
- (ii) Adoption of enforcement & monitoring mechanism to prevent illegal mining and transportation*

- (iii) *Preparation of Final District Rejuvenation Plans and taking further action on the activities, as mentioned in these plans.*
 - (iv) *Finalization of SoP for assessment, imposition and realization of Environment Damage Compensation in cases of illegal mining*
17. *That the draft SoP for assessment, imposition and realization of Environment Damage Compensation in cases of illegal mining has been prepared and under consideration of the Competent Authority. Next meeting to review the progress shall be held under the Chairmanship of the Additional Chief Secretary, Environment Department, Haryana, Chandigarh on 16.02.2024.*
18. *That the Forest Department carries out plantation programmes in various plans schemes like Rejuvenation of Degraded Forest. Desert Control and Agro-forestry in the Aravalli Hills Range. During 2023-24, Faridabad Forest Division has planted 15900 plants, Gurugram Division has planted 26650 plants in the District and Nuh Forest Division has planted 59500 plants in District Nuh under the aforesaid schemes in the Aravali Hills with native species.”*

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

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

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

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

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

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

February 09, 2024
Original Application No. 295/2021
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Minutes of the meeting of the Committee constituted by the Hon'ble National Green Tribunal held under the Chairmanship of Additional Chief Secretary, Environment, Forests and Wildlife Department, Haryana in compliance of order dated 11.12.2023 in OA no. 362 of 2022 in the matter of Aravalli Bachao Citizens Movement v/s Union of India &Ors. in NIC conference room, 9th floor, Civil Secretariat, Chandigarh on 28.5.2024 at 11:00 AM.

The list of participants is as per **Annexure-1**.

At the outset, Technical Expert, HSPCB welcomed the participants and informed that in compliance of order dated 11.12.2023 in OA no. 362 of 2022 in the matter of Aravalli Bachao Citizens Movement, as mentioned in para no. 24, two meetings of the committee were held on 4.1.2024 and 16.2.2024, wherein, certain decisions were taken and the same were sent to all the concerned departments for compliance. Based on the decisions taken in the last meeting held on 16.2.2024, the agenda of the meeting was prepared and circulated to all the concerned departments. Thereafter, point-wise agenda items of the meeting were taken up for discussion and decided, as under:

- 1. All the directions/orders issued by Hon'ble Supreme Court of India, Hon'ble Punjab & Haryana High Court and Hon'ble National Green Tribunal w.r.t imposition and realization of environment compensation on illegal mining and transportation may be compiled within 01 month.**

It was submitted that the compiled report delineating the directions of Hon'ble Supreme Court of India and Hon'ble National Green Tribunal was sent to the Mines & Geology Department and Department of Forest, Haryana. However, these departments have not submitted the action taken report on the directions (issued by Hon'ble Supreme Court and Hon'ble National Green Tribunal) which have not been complied so far. Moreover, Director, Mines & Geology did not attend the meeting for which the Chairman of the Committee took a serious view in the matter.

After deliberations, it was decided that the Department of Mines & Geology and Department of Forest shall submit the action taken report in the matter within 10 days. Further, a DO letter from the Additional Chief Secretary, Environment & Climate Change Department to the Additional Chief Secretary, Mines & Geology Department may be sent mentioning the absence of the Director, Mines & Geology Department in the meeting and non-submission of action taken report in the matter.

- 2. Methodology to be adopted for enforcement and monitoring to prevent illegal mining and transportation may be finalized within 01**

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month.

It was apprised that the document, mentioning various preventive measures to control illegal mining and transportation of the illegal mined material as mentioned in **Annexure-1** containing 23 points, was sent to the Department of Mines & Geology and Department of Forests. However, no report in the matter has been submitted by these Departments.

After deliberations, it was decided that these departments shall submit the action taken report on all the 23 points as mentioned in Annexure-1 within 07 days.

- 3. Aravalli Rejuvenation Action Plan of each District may be finalized by the Deputy Commissioner of concerned District based on the recommendations made by the State Level Committee and implementation of various activities mentioned in the Rejuvenation plan may be started implementing by the concerned departments.**

It was apprised as under:

- i. Aravalli Rejuvenation Plans of all the 07 Districts (Gurugram, Faridabad, Nuh, Charkhi Dadri, Bhiwani, Rewari and Mahendragarh) have yet not been received. However, the Deputy Commissioner, Nuh submitted that the District Rejuvenation Plan of the District Nuh has been submitted.
- ii. Regarding deployment of adequate number of home guards in all the 07 Districts for effective enforcement and surveillance in the District to prevent illegal mining, Additional Chief Conservator of Forest submitted that demand for deployment of about 600 home guards has been sent to the concerned department and demand for funds amounting to Rs. 1 crore for conducting baseline survey study from the reputed institute has been sent to the HSPCB. HSPCB submitted that no such demand of Rs 1 crore for conducting baseline survey study has so far been received by the department.
- iii. Action taken report jointly by the Department of Forests and Mines and Geology Department regarding rejuvenation/rehabilitation of illegal mined sites with plantation of adequate number of plants has not been received.

After detailed deliberations on all the points, it was decided as under:

- a. All the Deputy Commissioners of 07 Districts (Gurugram, Faridabad, Nuh, Charkhi Dadri, Bhiwani, Rewari and Mahendragarh) shall submit the Aravalli Rejuvenation Plan of concerned Districts within 15 days.
- b. Department of Forest shall submit the details of the home guards to be deployed in each of 7 Districts along with reasoned recommendations to the concerned department under intimation to the HSPCB within 07 days.
- c. Department of Forest shall submit the details of the funds required for baseline survey/report of all the 07 Districts to the HSPCB within 10 days.
- d. Department of Forests and Mines and Geology Department shall jointly rejuvenate/rehabilitate the illegal mined sites with plantation of adequate

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number of plants within 02 months.

- 4. For imposition and realization of environment compensation, SOP prepared by the HSPCB may be circulated all the Regional offices of HSPCB along with other concerned departments within 10 days.**

It was informed that revised SOP for imposition and realization of environment compensation, prepared by the HSPCB, has been sent to all the concerned departments.

It was decided that all the concerned departments shall submit the action taken report on all the points mentioned in SOP by 10th of every month.

- 5. The aspects to be included to monitor the compliance of environment norms may be tabulated by the concerned departments within 15 days. HSPCB shall coordinate the matter.**

It was apprised that check lists in the form of **Annexures-2, 3 and 4** have already been sent to the Regional officers of HSPCB, Mines & Geology Department and the Department of Forests for submission of compliance of the environmental norms as per the Aravalli Rejuvenation Plan of each district.

It was decided that all the concerned departments shall submit the action taken report on quarterly basis ending June, September and December, 2024.

- 6. Uploading of minutes of the meeting and reports/recommendations made by the Committee by the Department of Mining and Geology on its website in compliance of order dated 11.12.2023 in OA No. 362 of 2022.**

As per the directions of the Hon'ble National Green Tribunal vide order dated 11.12.2023, the minutes of all the meetings/reports of the committee, constituted by the Hon'ble National Green Tribunal, are to be uploaded on its website. However, no report in this regard has been received so far.

After deliberation, it was decided that the Department of Mines & Geology shall upload the minutes of the meeting of the committee held on 4.1.2024 and 16.2.2024 on its website within 07 days and compliance report may be submitted to HSPCB.

- 7. Precautionary/preventive steps to control illegal mining in 07 districts may be monitored regularly by the department of Mines & Geology**

After detail deliberations, it was decided that the following

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points with regard to control of illegal mining in 07 districts may be monitored regularly by the concerned departments and these departments shall submit the action taken report within 10 days.

Department of Mines & Geology

- i. Monitoring through drones with advanced cameras to identify the illegal mining sites once in a week (from 6:00 AM to 11:00 AM) and night surveillance of mining activity to be done using night vision drones.
- ii. Tracking of the vehicles/equipment carrying illegal mined material through GPS system.
- iii. Checking of the vehicles carrying mined material through check points/posts.
- iv. Regular monitoring of the vehicles transporting mined material by the officers equipped with android phone facility and bar code scanner to check the validity of transport permit and quantity of mined material carried by these vehicles.
- v. Checking footage of CCTV cameras and record of weigh bridge to check the legality of the mined material.
- vi. Submission of reports on issuance of challans to the vehicles transporting illegal mined material and their realization relating to 07 districts on fortnightly basis and for all the remaining districts once in a month.
- vii. Monitoring of check post having 24x7 CCTV coverage and footage of the same to be checked online by the Mining Department and District Administration or members of District Level Task Force.
- viii. Real time data with regard to weighing of mined material at weigh bridge to check its legality and the same may be compared with E-Ravana issued for the particular day.
- ix. Regular scanning of transport permit on mining site through bar code scanner.
- x. Checking of transport permit on the server provided for uploading the same to check that it has not been reused.

District Administration

Monitoring of check post having 24x7 CCTV coverage and footage of the same to be checked online by the Mining Department and District Administration or members of the District Level Task Force.

8. Environmental Compensation record

It was submitted that the format, mentioning the details of illegal mining sites, quantity of illegal mined material, amount of environment compensation imposed, amount of EC realized and amount of EC utilized for restoration of ecology of 07 Districts, has been sent to all the Regional officers of HSPCB.

It was directed that all the Regional offices, HSPCB shall submit the action taken report regarding imposition of environmental compensation and its realization on illegal mining activities to the Committee on quarterly basis ending June, September and December, 2024.

9. Ecological restoration/rejuvenation of illegal mined sites of 07 Aravalli districts.

It was apprised that the Department of Mines & Geology, Department of Forest and HSPCB are to take the following steps/measures for the restoration/rejuvenation of the ecology of the illegal mined areas of 07 districts

Department of Forests, Department

- i. Conducting ground truthing exercise and baseline survey of the illegal mined areas using drones and on ground visits by the officers of department of Forest within 03 months. The department may associate experts as mentioned in the minutes of the meeting of State Level Committee held on 30.12.2023 for the said activities
- ii. Restoring/rehabilitation of flora and fauna based on the baseline survey of illegal mined sites within 06 months.
- iii. Development of native grass and plants species belonging to Aravalli hill ranges in the coming monsoon period.
- iv. Restoring groundwater recharging zone for enhancing the groundwater level and CGWA may be asked to monitor the water level of the area on yearly basis and submit its report in the first week of April every year.
- v. Reclamation of the soil of the illegal mined area within 06 months.

Haryana State Pollution Control Board

- i. Monitoring the surface and groundwater quality from the mining site area by HSPCB once in a year.
- ii. Ambient air quality monitoring including moisture content in the air of the area around mining site by HSPCB twice in a year.
- iii. Analysis of soil samples of the area around mining site for analysis of parameters including humidity/moisture content, organic matter, porosity/permeability of soil by HSPCB once in a year.

Department of Mines & Geology

- i. Ensuring the legal status of mining sites on Panchayat land and private land by the Mines and Geology Department within 02 months
- ii. Landscaping of the illegal mined sites within 06 months.

It was decided that action taken reports on all the above points may be submitted by the Mines & Geology department, Department of Forests and the HSPCB within 10 days.

10. Comments on the report/photographs/video sent by Ms. Neelam Ahluwalia, member Aravalli Bachao Citizens Movement on illegal mining sites of Mohindergarh, Charkhi Dadri and Bhiwani.

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It was apprised that the report /photographs/video sent by Ms. Neelam Ahluwalia, member Aravalli Bachao Citizens Movement on illegal mining sites of Mohindergarh, Charkhi Dadri and Bhiwani were sent to the concerned Regional Offices of HSPCB but no comments on the illegal mining sites have been received so far.

It was decided that the Regional officers, HSPCB of the concerned area shall submit the action taken report in the matter within 10 days .

11. Status of compliance on ascertainment of land use/ownership of land in compliance of order of Hon'ble Supreme Court of India in the matter of Jagpal Singh v/s State of Punjab (2011) 11 SCC 396 at SCC pp.401-402 para 23-25- Document sent by Col. S.S. Oberoi, member Aravalli Bachao Citizens Movement.

It was informed that the document submitted by Col. S.S. Oberoi, member, Aravalli Bachao Citizens Movement, delineating the ascertainment of land use/ownership of land in compliance of order of Hon'ble Supreme Court of India in the matter of Jagpal Singh v/s State of Punjab (2011) 11 SCC 396 at SCC pp.401-402 para 23-25 was sent to the Financial Commissioner Revenue and Additional Chief Secretary, Govt. of Haryana with copy to Additional Chief Secretary, Rural Development Department, Govt. of Haryana for compliance of order of Hon'ble Supreme Court of India. A reminder was also issued to said department for compliance in the matter but the report is yet awaited.

It was decided that a meeting may be held with the Financial Commissioner, Revenue, Govt. of Haryana and the Additional Chief Secretary, Rural Development Department, Govt. of Haryana and a separate file for seeking date and time of the meeting may be processed through E -office .

12. Compliance of order dated 5.9.2023 in OA No. 866 of 2022

It was decided that the Regional officer, HSPCB, Yamunanagar shall submit the action taken report within 10 days .

13. Compliance of order dated 2.5.2024

It was informed that the Hon'ble National Green Tribunal in its order dated 2.5.2024 in OA no. 362 of 2022 in the matter of Aravalli Bachao Citizens Movement has directed in para no. 8 and 10 as under:

Para no. 8

This Tribunal had, vide order dated 10.10.2022 and 29.11.2022, inter alia given direction for constitution of Authority for integrated environmental management and sustainable development of the Aravalli range. In

compliance thereof Mr. Sanjeev Kaushal, Chief Secretary to Government Haryana filed his Affidavit dated 26.09.2023 regarding constitution of "Aravalli Rejuvenation Board" vide order dated 13.06.2023. In reply filed vide email dated 18.10.2023 the applicant raised objections to the constitution of the Aravalli Rejuvenation Board. Respondent no. 1 was given opportunity to file its response to the same if so desired but no specific response has been filed. Arguments on the objections will be heard on the next date of hearing hereby fixed.

Para no. 10

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

It was decided that para no. 8 and 10 of order dated 2.5.2024 in OA no. 362 of 2022 in the matter of Aravalli Bachao Citizens Movement may be sent to the concerned departments for submitting compliance report in the matter before the Hon'ble National Green Tribunal well before the next date of hearing i.e 12.7.2024.

The meeting ended with vote of thanks to the Chair and all the participants.

P.T.O. - Coramly Note 3/05/24

1124

HARYANA STATE POLLUTION CONTROL BOARD
C-11, SECTOR-6, PANCHKULA
Website – www.hspcb.org.in E-Mail: hspcbwatercell@gmail.com
Ph: 0172-2577870-873

Dated 31.05.2024

To

1. Principal Chief Conservator of Forest, Sec-06, Panchkula
2. Divisional Commissioner, Gurugram, Division, Gurugram
3. Divisional Commissioner, Faridabad, Division, Faridabad
4. Inspector, General of Police, Law and order, Haryana, Panchkula
5. Director, Mining and Geology Department, Haryana, Chandigarh
6. Chief Conservator of Forest (South), Haryana.
7. Deputy Commissioners, Gurugram, Faridabad, Bhiwani, Nuh, Mohindergarh, Rewari & Charkhi Dadri.
8. Regional Officers, HSPCB, Gurugram North, Gurugram South, Faridabad, Ballabgarh, Nuh, Mohindergarh, Rewari, Bhiwani & Charkhi Dadri.
9. Divisional Forest Officer, Gurugram, Faridabad, Nuh, Mohindergarh, Bhiwani, Rewari & Charkhi Dadri.
10. Mining Officers, Gurugram, Faridabad, Nuh, Mohindergarh, Bhiwani, Rewari & Charkhi Dadri.

Sub: Minutes of meeting held on 28.05.2024 in matter of OA no. 362 of 2022 Aravali Bachao Citizens Movement Vs Union of India and Ors under the Chairmanship of Sh. Anand Mohan Sharan, Additional Chief Secretary, Environment Department.

Kindly refer to the subject noted above.

In this connection, I have been directed to convey the minutes of meeting held on 28.05.2024 in matter of OA no. 362 of 2022 Aravali Bachao Citizens Movement Vs Union of India and Ors under the Chairmanship of Sh. Anand Mohan Sharan, Additional Chief Secretary, Environment Department.

In view of above, you are kindly requested to send the ATR please.

DA/As above

Sr. Env. Engineer (HQ)
For Chairman

Endst No.

Dated 31.05.2024

A copy of the above is forwarded to the following for information please:-

1. Chief Environmental Engineer-I, HSPCB
 2. Chief Environmental Engineer-II, HSPCB
 3. Sr. Environmental Engineer, Coordination Cell, HSPCB
- DA/As above**

Signed by
Jatinderpal Singh
Date: 31-05-2024 15:20:05
Sr. Env. Engineer (HQ)
For Chairman

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH AT NEW DELHI
ORIGINAL APPLICATION NO. 362 OF 2022
VAKALATNAMA**

IN THE MATTER OF:-

ARAVALLI BACHAO CITIZENS MOVEMENT

...APPLICANT

VERSUS

UNION OF INDIA & ORS.

...RESPONDENTS

KNOW ALL to whom these present shall come that I/We Dharmesh Sr. Applicant the above named Applicant, do hereby appoint (herein after called advocate/s) to be my/our Advocate in the above noted case authorized him :-

**Ritwick Dutta Rahul Choudhary Advocate,
N-73, Lower Ground Floor, Greater Kailash-1, New Delhi -110048**

To act, appear and plead in the above-noted case in this Court or in any other Court in which the same may be tried or heard and also in the appellate Court including High Court subject to payment of fees separately for each Court by me/ us. To sign, file verify and present pleadings, appeals cross objections or petitions for execution review, revision, withdrawal, compromise or other petitions or affidavits or other documents as may be deemed necessary or proper for the prosecution of the said case in all its stages.

To file and take back documents to admit and/or deny the documents of opposite party.

To withdraw or compromise the said case or submit to arbitration any differences or disputes that may arise touching or in any manner relating to the said case. To take execution proceedings. The deposit, draw and receive money, cheques, cash and grant receipts thereof and to do all other acts and things which may be necessary to be done for the progress and in the course of the prosecution of the said case. To appoint and instruct any other Legal Practioner, authorizing him to exercise the power and authority hereby conferred upon the Advocate whenever he may think it to do so and to sign the Power of Attorney on our behalf.

And I/We the undersigned do hereby agree to ratify and confirm all acts done by the Advocate or his substitute in the matter as my/our own acts, as if done by me/us to all intents and purposes.

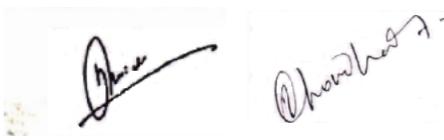
And I/We undertake that I / we or my /our duly authorized agent would appear in the Court on all hearings and will inform the Advocates for appearance when the case is called.

And I /we undersigned do hereby agree not to hold the advocate or his substitute responsible for the result of the said case. The adjournment costs whenever ordered by the Court shall be of the Advocate, which he shall receive and retain himself.

And I /we the undersigned do hereby agree that in the event of the whole or part of the fee agreed by me/us to be paid to the Advocate remaining unpaid he shall be entitled to withdraw from the prosecution of the said case until the same is paid up. The fee settled is only for the above case and above Court. I/We hereby agree that once the fee is paid. I /we will not be entitled for the refund of the same in any case whatsoever. If the case lasts for more than three years, the advocate shall be entitled for additional fee equivalent to half of the agreed fee for every addition three years or part thereof.

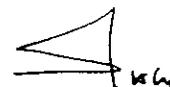
IN WITNESS WHEREOF I/We do hereunto set my /our hand to these presents the contents of which have been understood by me/us on this __th day of August , 2024.

Accepted subject to the terms of fees.



ADVOCATE

Ritwick Dutta Rahul Choudhary



CLIENT





CERTIFIED TRUE COPY OF THE RESOLUTION PASSED BY THE BOARD OF TRUSTEES ON SUNDAY 4th DAY OF AUGUST, 2024

The Board of Trustees (BOT) meeting was attended by Trustees, Vaishali Rana, Vivek Kamboj and Sarvadaman Singh Oberoi at 5 PM on 04.08.2024 at C-579, Sushant Lok 1, Gurugram- 122002, from 5.00 PM to 6.00 PM on 04.08.2024. It was decided at the start of the meeting that the Trustee Vaishali Rana would be the Chairperson for the BOT meeting.

“The BOT does hereby authorise afresh, in furtherance of the Trust Resolution dated Wednesday, 2nd March 2022, pursuant to clause 5) d) and 5) o) of the Trust Deed wherein the then Managing Trustee, Jyoti Raghavan was authorised to “discuss, negotiate and finalize the fee to be made” in furtherance to the resolution of the Trust to appoint law firm having registered office at N-73, LGF, Greater Kailash 1, New Delhi-110048 to draft and file OA No. 362 of 2022 in the National Green Tribunal, P.B., New Delhi. the current Managing Trustee Sarvadaman Singh Oberoi to file affidavits and sign vakalatnama, as and when required in processing the Original Application/ connected matters by way of application, review, clarification, intervention, execution or otherwise, as may be necessary.”

For and on behalf of
ARAVALLI BACHAO CITIZENS MOVEMENT

(Sarvadaman Singh Oberoi)
Managing Trustee

(Vaishali Rana)
Trustee



(Vivek Kamboj)
Trustee

Aravalli Bachao Citizens Movement

Registered Office Address: 1st Floor 783-A Mahawar Nagar, Kotla Mubarakpur, New Delhi -110003

Branch Office & Communication Address: Tower 1 Flat 1102, Uniworld Garden 1, Sohna Road, Gurugram-122018

Email: abcmtrust@gmail.com Mobile: 9818768349

**1127**

DC Law Chambers <dclaw160@gmail.com>

Copy of Submission on behalf of the Applicant IN OA No. 362 of 2022 Aravalli Bachao Citizens Movement Versus Union of India & ors.

1 message

DC Law Chambers <dclaw160@gmail.com>

Mon, Aug 5, 2024 at 1:15 PM

To: rkhuranalegal@gmail.com

Dear Sir,

Please find attached- Copy of Submission on behalf of the Applicant IN OA No. 362 of 2022 Aravalli Bachao Citizens Movement Versus Union of India & ors.

Thank & Regards

Counsel for the Applicant

**Submission.pdf**

2475K