

**BEFORE THE NATIONAL GREEN TRIBUNAL, CENTRAL ZONAL BENCH, BHOPAL**

**Original Application No. 127/2013 (CZ) (THC)**

**Ms. Santosh Mittal & Ors Vs. State of Rajasthan & Ors.**

**CORAM : HON'BLE MR. JUSTICE DALIP SINGH, JUDICIAL MEMBER  
HON'BLE MR. P.S.RAO, EXPERT MEMBER**

**PRESENT : Applicant : None appeared  
RPCB & Rajasthan State Govt. for Shri Sandeep Singh, Advocate  
Mining Department Shri Suman Mandal, Advocate  
Respondent No. 6 : Shri Rajesh Kumar, S.I.  
Respondent No. 7 : Shri Bijo Joy, DFO, Alwar**

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Order no. 2 29<sup>th</sup> January, 2014</b>	<p>This petition originally filed as DB Civil W.P. PIL No. 7938/2011 before the Hon'ble Rajasthan High Court Bench at Jaipur has been transferred to this Tribunal vide its order dtd. 23.09.2013.</p> <p>The Hon'ble High Court of Rajasthan after hearing the matter issued notices and also passed an interim order vide its order 27.05.2011 directing that 'any illegal mining activity shall not take place in the area in question'.</p> <p>The petitioner in this Writ Petition has raised concern with regard to illegal mining being carried out in the District Alwar, more so since Alwar District comprises a part of the eco-sensitive zone of Aravali hill ranges. Several directions and orders have been issued by the Hon'ble Supreme Court from time to time restraining and regulating the aforesaid activity of mining and related activities pertaining to the stone crusher industries as well.</p> <p>From the record, we find that the Respondents through to the Officer-in-charge, Mining Engineer (Alwar) had filed an affidavit before the Hon'ble High Court on 22.11.2012. As per the aforesaid affidavit the steps taken by the Government of Rajasthan to control illegal mining have been highlighted and minutes of various meetings preside over by the Director General of Police as well as the Chief Secretary from time to time have been placed on record. A</p>

perusal of the minutes goes to show that in all the meetings it is accepted the fact that illegal mining in District Alwar and adjoining areas including that of District Bharatpur is admittedly going on. It has also been noticed that the illegal mining activity in the eco-sensitive zone of Arawali hills is feeding the raw material to crushing industry in bordering Haryana State as brought on record in the Minutes of the Meeting of dtd 27.01.2012 presided over by the Chief Secretary, Govt. of Rajasthan and attending by the Director General of Police alongwith other senior officers.

In the meeting the directions issued by the Hon'ble Supreme Court on 16.01.2012 in SLP (C) Nos. 19628-19629/2009 were also noticed and has been incorporated in the minutes themselves. Prior to it also meetings were held by the State level task force constituted for the aforesaid purpose and various measures for controlling and stopping the illegal mining and transportation of the material to the adjoining State of Haryana where the crushing units are located, were also discussed.

Today, the Officer-in-charge has placed before us few facts which reveal that action in pursuance of the decisions taken in various meetings has been taken by the administration but the illegal mining and transportation of the material still continues. The magnitude of the problem can be visualized from the fact that various drives that were carried out in the year 2012 resulted in booking, 472 cases followed by 538 cases registered in the year 2013 and 37 cases registered upto 26.01.2014. These figures are only in respect of Police Circle Riwari in District Alwar. We find from the affidavit of the Officer-in-charge, Shri Y.S. Sahwal that looking to the magnitude of the problem it was suggested that a special investigating team be constituted and a Mineral Protection Force comprising 5 battalions also be raised. These proposals were made

as far back as in November, 2011 and we are not aware as to what progress was made in this regard by the State Government of Rajasthan. We also find that from time to time action has been taken and about 982 machines / vehicles were seized and an amount of Rs. 1.29 Crores was recovered by way of penalty. Since most of the un-lawful mining and illegal transportation of material goes on un-noticed as a result of various handicaps the officers of the Forest Department and the Mining Department face and sometimes due to the non availability of the assistance of Police force, there is therefore, a need to put in place a permanent mechanism for effective implementation to the concerns raised at various levels including the directions issued by the Hon'ble Supreme Court for protection of the Arawali eco-sensitive zone.

We are of the view that as long as there is a ready market available for the mineral strict vigilance is required as it is alleged that the same is being transported to the adjoining State of Haryana where most of the crushing units are located which in turn supply the finished product to the Real State Developers in the NCR. Therefore, the issue needs to be taken up by both the States of Haryana & Rajasthan with the support of Central Government and a joint effort in this behalf would be necessary.

As has been mentioned in the petition as well as in the reply, there being no mineral available in the State of Haryana but crushing units are allegedly established only in the State of Haryana bordering Rajasthan the question therefore, would arise from where the crushing units located in the State of Haryana are obtaining the raw material if not from the adjoining Districts of Alwar & Bharatpur and other areas of Rajasthan. We would therefore like to know from the State of Rajasthan whether it would be willing to raise this issue with the Central Government and the State of Haryana for taking

effective steps for controlling the activity of illegal mining and crushing in the eco-sensitive zone of the Arawali hills which has been prohibited by the Hon'ble Supreme Court and towards which the petitioner has sought to draw the attention of the Court.

The State Government of Rajasthan shall also inform through its affidavit what measures including deployment of police force on a permanent basis, it seeks to undertake in the aforesaid areas of Alwar & Bharatpur District and other Districts adjoining Haryana State so as to prevent illegal mining and transportation of the material to the bordering State. At the same time there would be necessity of including the officers and staff of the Forest Department in this force as they were more conversant with the ground reality including where such mining operations are going on and crushers are located and also familiar with the routes which the transporters follow for the aforesaid purpose. We would like the Chief Secretary, State of Rajasthan to file an affidavit before this Tribunal on the issues that have been highlighted herein above. The aforesaid affidavit be filed within a week.

The Registrar, National Green Tribunal, Central Zonal Bench, Bhopal is directed to immediately send a copy of this order both by post as well as by e-mail / fax to the Chief Secretary, Govt. of Rajasthan for necessary compliance.

Matter be listed in Court on **11.02.2014**.

.....JM  
(DALIP SINGH)

.....EM  
(P.S.RAO)