

Item No. 04

(Court No. 1)

BEFORE THE NATIONAL GREEN TRIBUNAL

(By Video Conferencing)

Original Application No. 294/2021

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

Applicant

Versus

State of Punjab

Respondent

Date of hearing: 10.11.2021

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

Application is registered based on a complaint received by post

ORDER

1. Grievance in this application is against illegal mining at village Bhallmajra, near Chanarthal, a border village of District Fatehgarh Sahib, Punjab in connivance with the authorities of the District and the State. It is stated that heavy tipper, trucks, JCB machines and cranes are used in the course of mining.

2. Adverse impact of unscientific and unsustainable mining on environment is well acknowledged and regulatory regime exists to ensure that mining is sustainable, as per replenishment study and consent conditions as well as other environmental norms. This Tribunal has dealt with the issue of illegal mining inter alia vide order dated 26.02.2021 in OA No. 360/2015, *NGT Bar Association v. Virender Singh (State of Gujarat)* and other connected matters and directed as follows:

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

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

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

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

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

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

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

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

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

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

List for further consideration on 17.02.2022.

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

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

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Dr. Nagin Nanda, EM

November 10, 2021
Original Application No. 294/2021
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