

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

Original Application No. 767/2018

Dinesh Kumar Chadha

Applicant(s)

Versus

State of Punjab & Ors.

Respondent(s)

Date of hearing: 31.01.2019

**CORAM: HON'BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON'BLE MR. JUSTICE S.P. WANGDI, JUDICIAL MEMBER
HON'BLE MR. JUSTICE K. RAMAKRISHNAN, JUDICIAL MEMBER
HON'BLE DR. NAGIN NANDA, EXPERT MEMBER**

For Applicant(s):

Mr. Sumit Rana, Mr. Gurladh Singh, Advocates

For Respondent (s):

ORDER

1. The issue for consideration is illegal mining in District Rupnagar, Punjab.
2. Vide order dated 20.10.2018, a Joint Committee of the Central Pollution Control Board (CPCB), Director Mining, State of Punjab and the Punjab State Pollution Control Board(PSPCB) was directed to take remedial measures and the PSPCB was to furnish a compliance report.
3. Accordingly, PSPCB has sent a report by e-mail dated 02.01.2019 to the effect that the Committee visited the mining sites. The report refers to the status of illegal mining in Villages Harshabela, Swarha and Baihara. Order of the Hon'ble Supreme Court dated 10.05.2018 in *SLP No. 1798 of 2018, Baljit Singh Vs. State of Punjab & Ors.* and connected matters has also been referred to. The Hon'ble Supreme Court directed stopping of illegal mining.
4. The Joint Committee has found that mining was taking place beyond the permitted depth. Mine lease area was not demarcated. Mining was being done in unscientific manner, without leaving the necessary strip of 7.5m

width. Slope height not exceeding 45° was not being maintained. Bench was not provided along the boundary of mining site as required. Heavy vehicle movement was noticed. Stock piling of the mined material within the river bed was also seen. Water sumps were used. No check posts were found. Safety and stability of river banks was not maintained. No plantation had been done as required. No toilet/urination facility was provided. Stone crushers were located near the river bed in violation of law.

5. The authorities lodged FIR on 07.12.2018, sealed 76 stone crushers and suspended the mining lease. The Committee has suggested as follows:

“The mining activity within the river bed should not be permitted without the preparation of Comprehensive Mining plan/ District Survey report as required in Sustainable Sand Mining Management Guidelines, 2016 issued by the MoEF by the State of Punjab with replenishment/ scientific study by an institute of national importance and prior recommendations of MoEF&CC.

The State of Punjab may be asked to develop mechanism to stop the illegal extraction and transportation of river bed material. The mechanism must include the environmental compensation for violators and vehicles used for the purpose to be seized along with prosecution of owners of such vehicles. Including cancellation of registration certificate of such vehicles.

The District Administration may consider establishing the check post barrier at suitable site to check vehicles carrying the river bed material and to maintain strict vigil over overloading vehicles involved.

The Detailed Survey of river eco system comprising of identification of river stretches affected by unscientific mining should be carried out for preservation and exclusion of stretches from any type of extraction process or mining activity. In addition the auction of identified stretches may not be considered without, approved annual replenishment report.

The restoration plan of river ecosystem in mine lease area should be enforced for minimising the impacts of unscientific mining and to improve the riparian habitat. The State of Punjab can be asked to execute the restoration plan within time bound manner.

The demarcation of auctioned mine lease area should be done urgently with pillars fencing along with geo-referencing to protect the river ecosystem and to avoid bed degradation.

The raw material to be imported, processed, dispatched and balance stock shall be regulated strictly as per the policy guidelines for registration and working of stone crushers in the

State of Punjab issued by the Department of Industries and Commerce vide notification dated 19.03.2015.

As regards to initiating action against the erring officials, the Heads of the concerned Departments should identify the erring officials who allowed to take place illegal mining and initiate action against these officials, after conducting detailed investigations.”

6. We accept the suggestions and direct that the State of Punjab and its authorities to take action in accordance with above suggestions prohibiting mining activities within the river bed, stop illegal extraction and transportation of river bed material, recover compensation for violations and take action against the vehicles used, establish check posts at suitable sites, conduct survey of river eco systems, take steps for protection of such river stretches, have demarcation of the mine lease areas with pillars/fencing with geo-referencing, the raw material be accounted for and working of stone crushers duly regulated in accordance with the carrying capacity of the area, which may be duly assessed, prepare restoration plan of the river eco systems and execute the same within the stipulated time, preferably three months. Action be taken against the erring officers who allowed the illegal mining, preferably within three months. Compliance of these directions be overseen by the Chief Secretary, Punjab which should be included in the report to be furnished to this Tribunal on personal presence of the Chief Secretary on 07.03.2019 in *Original Application No. 606/2018, Compliance of Solid Waste Management Rules, 2016*. In the light of monitoring, the Chief Secretary may consider issuing appropriate directions for restitution and also to prevent repetition of any such illegal activity in future.
7. The Committee constituted vide order dated 22.10.2018 may make an assessment of the damages to be recovered, keeping in mind the principles laid down in some of the judgments of this Tribunal on the subject. The compensation should be deterrent so as to render illegal activities unprofitable. The vehicles involved may not be released unless

50% of the showroom value of the new vehicle is recovered. The damages should include not only the cost of the illegally mined material but also for damage to the environment and for deterrent affect and for the cost of the ecological services forgone forever.

8. A copy of this order be placed in the file of *Original Application No. 606/2018* so that the matter can be further monitored on 07.03.2019 which is the scheduled date already fixed and a copy be also sent to the Chief Secretary, Punjab and the CPCB.

The application is disposed of.

Adarsh Kumar Goel, CP

S.P. Wangdi, JM

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

January 31, 2019
Original Application No. 767/2018
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