

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

Original Application No. 1086/2018
(Earlier O. A. No. 140/2014)

Nanga Ram Dangi

Applicant(s)

Versus

Secretary, Department of Environment
& Forest & Ors.

Respondent(s)

Date of hearing: 13.03.2019

CORAM:

**HON'BLE MR. JUSTICE RAGHUVENDRA S. RATHORE, JUDICIAL MEMBER
HON'BLE DR. SATYAWAN SINGH GARBYAL, EXPERT MEMBER**

For Applicant(s)

For Respondent(s)

Dr. Manish Singhvi, AAG and
Mr. D.K. Devesh, Advocate for
State of Rajasthan
Mr. Rajkumar, Advocate for
CPCB

ORDER

An affidavit has been filed by the Director of Mines & Geology, State of Rajasthan. In the said affidavit it has been deposed about illegal mining/activities and the area but no specific details has been given. The deponent has also mentioned with regard to the vehicles employed in transporting the mineral from such mines and the steps taken for their seizure as well as release on superdagi, by the court concerned.

We would like to point out that the order passed by Tribunal was in respect of the environment compensation to be imposed on the persons who are doing illegal mining

which has resulted in damage to the environment. Further perusal shows that a chart has been appended to the affidavit showing actions taken by the department against the illegal mining/transportation/stock of mineral bajri. Moreover, the chart further gives about the total cost of mineral compounded, as per the RMMCR 2017; compounding fee as per the NGT order; the total amount recovered as cost of mineral/compounding as per RMMCR 2017 and it has also mentioned about the amount recovered as compounding fee, as per the order of the NGT. In the said column (11) it has been given out that there has been no recovery.

In this regard, we would like to make it clear that basically three things to be recovered by the department in case of illegal mining. Firstly, the cost of the mineral extracted. Secondly, the amount of penalty/compounding to be imposed on such miners in accordance to Rajasthan Minor Mineral Concession Rule, 2017. Thirdly the environmental compensation, on account of the damage caused to the environment, which the Tribunal may impose. A look to the affidavit or the chart appended to it goes to show that the department has not proceeded, in the aforesaid manner.

Moreover, it is revealed from the affidavit that compensation has been asked from the owners of the vehicles. It is not necessary that the vehicles which are

being used belongs to the minor. There may be cases where the vehicle is engaged for the purpose of transporting the mineral from mining site to a destination, as instructed by the minor who had been doing illegal mining. Therefore, the department has to differentiate between the two categories. Apart from it, the payment of compensation has not been made by the minor, as ordered by the department. Besides, the department is only considering the cases of illegal mining from 20.09.2018 onwards and giving orders for recovery of penalty/ compounding amount/ environmental compensation. The department is very much aware about the illegal mining activities which were being undertaken in the area prior to 20.09.2018. As a matter of fact in the prior period there were already 70 cases identified. The department ought to have at least recovered environmental compensation from the minors in those cases.

For the aforesaid reasons, we direct the Director, Mining and Geology, Rajasthan to prepare a clear chart, supported by an affidavit, in respect of total number of illegal mining identified, prior to September, 2018 and thereafter; the cost of mineral to be recovered; penalty as per RMMCR 2017 and environmental compensation of Rs. One lakh each for the first time offence, as ordered by the Tribunal. If the aforesaid amount, including the environmental compensation, is not recovered then they

shall make a request to the Collector of the District to proceed under the Land Revenue Act, for recovery of amount immediately.

List this matter on 10th April, 2019.

Raghuvendra S. Rathore, JM

Dr. Satyawan Singh Garbyal, EM

March 13, 2019
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