

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

**Original Application No. 127/2013 (CZ) (THC)**  
**Santosh Mittal & Ors Vs. State of Rajasthan & Ors.**  
**AND**

**Original Application No. 128/2013 ((CZ) (THC))**  
**Rajesh Kumar Saini and 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  
**Respondent No. 9 :** Shri Ajay Gupta, Advocate with  
(in O.A. No. 128/2013) Shri Nishant Goel, Advocate

<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
<b>Item No. 7</b> <b>1<sup>st</sup> May, 2014</b>	<p>These two O.As i.e. O.A.No. 127/2013 &amp; O.A. No. 128/2013 pertain to illegal mining in the Aravali hill range, Alwar District, Rajasthan. This Bench had directed the State of Rajasthan to submit their response with regard to certain specific issues and points raised during the hearing on the previous date i.e 14.03.2014. As regards point no.1 response has been submitted today by the Chief Secretary, State of Rajasthan enclosing a copy of the letter written by him to his counterpart in the State of Haryana on 22<sup>nd</sup> April, 2014 i.e. after more than a month of having issued direction by this Tribunal and it was submitted that the response from the Chief Secretary, State of Haryana is awaited.</p> <p>In the meanwhile, we find that in the Daily newspapers the environmental problems arising out of the inaction on the part of the State functionaries in complying with the directions of Hon'ble Supreme Court with regard to the ban on illegal mining in the Aravali region and more particularly in the Tijara region of District Alwar, have been highlighted. The latest news item dtd.28.04.2014 appearing in the 'Times of India' clearly speaks about the unchecked illegal mining activity going on in the Aravali hills as well as transportation of the minerals illegally to the NCR with the administration and police turning</p>

a blind eye. The issue has been highlighted in detail. Even the photographs printed in the news report show a convoy of trucks (dumpers) lines up carrying the illegally mined minerals as well as totally denuded illegally mined areas where which as per the aforesaid news report, pertain to the area which is visible from the highway and the road. Yet it is all happening in full public gaze and with the knowledge of the administration. It has also been mentioned in the report that blasting is being carried out in the mines and it is causing immense damage to the environment and there is no effort on the part of the administration to check the same. What has been reported in the 'Times of India' English newspaper is identical to the reports which were filed in the additional petition by way of Annexure-1 dtd. 21.07.2011 indicating that there is no let up in the illegal mining activities.

Submission of the Learned Counsel for the State is that since most of the staff was requisitioned for election duty it is possible that such activity could have occurred. Be that as it may. We find that the aforesaid activity is in total violation and contravention of the orders of the Hon'ble Supreme Court and therefore the State Government has to take necessary steps for enforcing the directions of the Hon'ble Supreme Court and ensure that no illegal mining activities in the Aravali hill range as well as Forest area of District Alwar are allowed to be carried out.

It would be the responsibility of the State Government through the Chief Secretary, Secretary, Mines & Geology and Secretary, Forests as well as the Director General of Police and the Home Secretary along with the Transport Commissioner to ensure that no illegal mining is carried out, no such mineral is allowed to be transported, no illegal stone crushing activity is permitted and necessary action to prevent such illegal activities shall be taken up with all seriousness by the State

Government of Rajasthan. Contravention of the above, shall be dealt with under Section 26 of the National Green Tribunal Act, 2010 apart from any other provisions that exist either under MMCR, 1986, Forest Conservation Act 1980 and the provisions of IPC. Section 26 of the NGT Act clearly provides that whoever fails to comply with the orders of the Tribunal shall be punishable with imprisonment for a term which may extend to three years and fine which may extend up to an amount of Rupees Ten Crores or with both and failure to comply would further entail extended liability of Rs. 25,000/- per day. It is therefore, made clear that the District Administration and State Government shall ensure full compliance of our above order.

The Learned Counsel for the State has further submitted that though he has sought time to file on record the proposals and scheme that have been prepared with regard to reforestation of illegal by mined forest areas. It is directed that the concerned Divisional Forest Officer within whose jurisdiction such illegal mining activity has been reported and noticed in the forest areas, shall immediately prepare a plan for restoration of the forest area and submit the same to the Government through the Head of the Forest Department on war-footing. After examining the same the State Govt. shall accord necessary administrative and financial sanction for carrying out the restoration and reforestation work and other related activities such as fixing boundary pillars, establishing check posts etc. as submitted in the plan by the DFO in a phased manner to cover all such areas. The aforesaid task shall be completed on or before 25.05.2014 and necessary sanctions granted and reported to this Tribunal by 27.05.2014. The matter shall be listed before the Tribunal on 29.05.2014.

The State of Rajasthan shall also submit its response on the reply received from the Chief Secretary, Government of Haryana on the letter written to him by the Chief Secretary, Rajasthan and if not received,

issue a reminder to the Chief Secretary for submitting the response. The Registrar, Central Zonal Bench, Bhopal shall forward a copy of this order to the Chief Secretary, Government of Haryana and we make it clear that in case the response of the Chief Secretary, Government of Haryana to the letter dtd. 22.04.2014 of the Chief Secretary, Govt. of Rajasthan is not received, he shall remain personally present before this Tribunal on 29.05.2014 to explain the position of the State of Haryana for taking effective steps to prevent illegal mining & transportation of the mineral as well as stopping its use within Haryana.

From the records we find that the aforesaid issue has been highlighted time and again and the Rajasthan State Government has constituted a State Level Task Force to control illegal mining in the State under the order dated 15.02.2010. The State Level Task Force so constituted was presided over by the Chief Secretary with 10 Members of the said Task Force attending the meeting. In the meeting held on 08.11.2011, a decision was taken as follows:

*“A Special investigation team will be constituted immediately comprising one SP and two Dy. SPs with supporting staff. Additional Director General of Police will send detailed proposals with financial implications for SIT and the same will be sent by the Mines Department to the Finance for immediate necessary action.*

*Proposals for a Special force called “Mineral Protection Force” comprising of five battalions will be prepared by Mines Department. After administrative approval, these proposals will be submitted to Finance Department for consideration.”*

The State Government must therefore explain its position that once such a decision was taken at the highest level, why the aforesaid decision is not being implemented in letter and spirit and it appears that only a stop gap arrangement for curbing the menace of illegal mining as a temporary measure has been taken by requisitioning the personnel of

RAC and Home Guards in the month of February and March this year and this arrangement was also discontinued on the pretext of aforesaid staff being required for the election duties.

We find that that mandate under Article 48 (A) to the State under the Constitution requires the State to take effective steps for the conservation and protection of the environment. Non implementation of the decision taken on 08.11.2011, quoted above, only shows the lack of will on the part of the State Government for taking effective steps for conservation and protection of the environment. The Counsel for the State Government of Rajasthan is directed to file the response of the State on the aforesaid. The matter shall be listed on 29.05.2014 alongwith connected matter. In the response to be submitted by the State, the State shall also make an endeavour to submit satellite imageries of the aforesaid Aravali region for the year 1995, 2000, 2005, 2010 and the latest taken in April 2014 so that extent of degradation of forest and damage that is caused in the ecologically sensitive Aravali hill range, can be visualized. The officials of the Mining and Forest Department shall give their response based upon the appreciation of such satellite imageries.

**Listed on 29.05.2014.**

.....JM  
(DALIP SINGH)

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