

## Chapter VI : Environmental issues

### 6.1 Plantation in lease area

Rule 34 of RMMC Rules, 2017 envisaged environmental safeguards to be followed. Accordingly, no mining lease or quarry licence shall be granted without obtaining prior consents, approvals, permits, no-objections and the like as may be required under applicable laws for commencement of mining operations. Every mining lease or licence holder shall carry out the mining operations in such a manner so as to ensure systematic development of the mine or quarry, conserve mineral, protect the environment and ensure safety of the man and machinery.

Environmental Clearance issued in reference to the above provisions envisaged that plantation shall be raised in an area of 33 *per cent* of total area including green belt in the safety zone around the mining lease by planting native species around lease area, overburden, dumps, backfilled and reclaimed area around water body, roads, *etc.* or outside lease area in consultation with the Gram Panchayat or Forest Department.

Scrutiny of *Google Earth Pro* images of selected leases disclosed that plantation was not done according to norms prescribed in Environmental Clearance. These facts were confirmed during JPV. It was observed that out of 25 leases, plantation was done only in one lease. In that lease, only five plants survived.

On being pointed out AME Kotputli replied (February 2021) that in case of availability of mineral in the leases, plantation was done by the lessees on the land other than the lease area. However, no document in support of the reply was enclosed. ME Alwar replied that plantation was done by the lessees but due to lack of rain and water, plants did not survive. Plantation was also done outside the lease area.

The above responses were not convincing and Audit is of the view that compliance with environmental laws was not closely monitored.

The Government replied (October 2021) that letter has been written to the concerned offices to furnish compliance. During exit conference the DMG intimated that lessees of some divisions (Bikaner, Jodhpur, Rajsamand and Udaipur *etc.*) were well aware about the importance of plantation and they are doing good work in plantation. Awareness would be encouraged in other divisions also. Thereafter, the Government replied (February 2022) that instructions were issued time to time to achieve the targets of plantation.

### Good Practice adopted by Division Neem ka Thana

AME Neem ka Thana replied that since mining areas were hilly and infertile, an area of 60 hectares was got allotted by the State Government in the name of *Neem ka Thana Mining and Crusher Sewa Samiti* of Neem ka Thana. About 30,000 plants were planted in the year 2016. Thereafter, plantation was being done in the area every year. There are 40,000 survived plants in the area. The *Samiti* engaged a team of 20 labourers to take care of these plants.

The review team also visited the plantation site at the time of JPV of illegal mining points and found that it is a good practice to save the environment. This good practice can be adopted by other Division offices.



Figure 6.1: Images of plantation work of *Neem ka Thana Mining and Crusher Sewa Samiti*.

## 6.2 Assessment of damage to the land

According to rule 68 of RMMC Rules, 2017, after the termination of a mining lease, the Government shall assess the damage, if any, done to the land by the prospecting or mining operations and shall determine the amount of compensation payable by the licensee or the lessee as the case may be to the occupier of the surface land. Further, every such assessment shall be made within a period of one year from the date of termination of the mining lease by an officer appointed by the Government in this behalf. However, such provisions were not made for the land which was illegally excavated and person engaged were identified.

Audit noticed that environmental impact assessment for illegally mined areas was not done in any of the selected divisions. On being asked it was replied that there was no provision in rules. ME Sikar however, replied that identification of illegal sites would be done and letter would be written to State Level Environment Impact Assessment Authority/District Level Environment Impact Assessment Authority for environmental assessment.

It is evident that illegal mining causes severe damages to the land and environment, therefore, damages to such land and environment were to be assessed by the Department for reclamation of the affected area.

The Government replied that letter has been written to the concerned offices to furnish compliance.

### 6.3 Non-compliance with the orders of Court/Tribunal

Hon'ble High Court of Judicature for Rajasthan, Jodhpur issued (3 September 2019) an order in D.B. Civil Writ Petition No.4239/2019. According to the order in case of illegal transportation of mineral *Bajri* or Sand:

- *Bajri* should not be permitted to be taken away since it is procured on account of illegal mining, which continues to be vested in the State and
- *Bajri* is to be appropriately restored to the position from where it was mined or from where such illegal mining/extraction took place.

DMG issued order for compliance with the above order on 20 September 2019.

During scrutiny of *Panchnama* files of selected Divisions, it was noticed that in 40 cases<sup>1</sup>, the orders of the Hon'ble High Court of Rajasthan were not complied with. In two cases, AME Kotputli wrote to the concerned Police Station to release the vehicles after unloading the *Bajri*. In 38 cases *Bajri* was handed over to the offenders after taking an undertaking to the effect that the offender would unload the *Bajri* at the place where it was excavated. In these cases, it was not ensured that *Bajri* was unloaded by the offender and therefore, misuse of illegal mineral could not be ruled out.

The intention of the order of the court that the *Bajri* should be appropriately restored to the position from where it was mined, was however, not fulfilled by the action of the concerned authorities. Thus, the loss to the environment could not be compensated due to non-compliance with the orders.

On being pointed out, no reason was furnished regarding non-compliance with the Hon'ble High Court's order.

The Government replied (October 2021) that instructions were being issued to the subordinate offices to comply with the orders of Court in letter and spirit.

### 6.4 Summary of findings

Scrutiny of satellite images of selected leases disclosed that plantation was not done according to norms prescribed in Environmental clearance. Environmental impact assessment for illegally mined areas was not done in any of the selected divisions. During scrutiny of *Panchnama* files of selected Divisions, it was noticed that in 40 cases, the orders of the Hon'ble High Court of Rajasthan were not complied with.

<sup>1</sup> AME Kotputli (12), AME (Vigilance) Makrana (4), AME Neem ka Thana (5), AME (Vigilance) Neem ka Thana (12), ME (Vigilance) Alwar (2) and ME Makrana (5).

## **6.5 Recommendations**

*The Department may:*

- 1. adopt the good practice of successful plantation initiated by lease holders of Neem ka Thana to safeguard the environment and*
- 2. evolve a system to ensure strict compliance with the orders of Hon'ble Courts.*