



Illegal Mining Operation in Haryana

Why in News?

- Recently, the mining mafia allegedly injured [Haryana State Enforcement Bureau](#) officers during an inspection of an [illegal mining operation](#) in **Ghata Shamshabad village, Nuh district**.

Key Points

- **About the Incident:**
 - The State Enforcement Bureau team **sustained injuries from the stone pelting** and narrowly escaped.
 - Police registered an [First Information Report \(FIR\)](#) against 22 unidentified individuals under [the Bharatiya Nyaya Sanhita](#) and other laws.
- **Illegal Mining:**
 - **About:**
 - Illegal mining is the extraction of minerals, ores, or other valuable resources from land or water bodies **without the necessary permits, licenses, or regulatory approvals** from government authorities.
 - It can also involve the violation of environmental, labor, and safety standards.
 - **Issues:**
 - **Environmental Degradation:**
 - It can lead to deforestation, soil erosion, and water pollution and can result in **the destruction of habitats for wildlife**, which can have serious ecological consequences.
 - **Hazards:**
 - Illegal mining often involves the **use of hazardous chemicals such as mercury and cyanide**, which can pose serious **health risks to miners** and nearby communities.
 - **Loss of Revenue:**
 - It can lead to a **loss of revenue for governments** as miners may not pay appropriate taxes and royalties.
 - This can have significant economic impacts, particularly in countries where natural resources are a major source of revenue.
 - **Human Rights Violations:**
 - Illegal mining can also result in [human rights violations](#), including forced labor, child labor, and exploitation of vulnerable populations.

BHARATIYA NYAYA SANHITA (BNS), 2023

BNS 2023 replaced Indian Penal Code 1860, incorporating 358 sections (511 in IPC), maintaining most of the IPC provisions, introducing new offences, eliminating court- struck-down offences, and enhancing penalties for various offences.

New Offences

- ▶ **Promise to Marry:** Criminalising "deceitful" promises to marry
- ▶ **Mob Lynching:** Codify offences linked to mob lynching and hate-crime murders
- ▶ Ordinary criminal law now covers **Organized Crime** and **Terrorism**, including a broader scope for terror financing in BNS compared to UAPA
- ▶ **Attempt to Suicide:** Criminalises attempts to commit suicide with intent to compel or restrain any public servant from discharging official duty
- ▶ **Community Service:** Added as possible form of punishment

Deletions

- ▶ **Unnatural Sexual Offences:** Section 377 of the IPC, which criminalised homosexuality among other "unnatural" sexual activities repealed completely
- ▶ **Adultery:** Offence of adultery omitted in consonance of apex court judgement
- ▶ **Thugs:** Section 310 of IPC fully omitted
- ▶ **Gender Neutrality:** Some laws dealing with children modified to bring gender neutrality



Other Modifications

- ▶ **Fake News:** Criminalisation of publishing false and misleading information
- ▶ **Sedition:** Introduced under a new name 'deshdroh' with wider definition
- ▶ **Mandatory Minimum Sentence:** In several provisions, mandatory minimum sentences prescribed which may limit scope for judicial discretion
- ▶ **Damage to Public Property:** Carry a graded fine (i.e. fine corresponding to the amount of damage caused)
- ▶ **Death by Negligence:** Elevates punishment for causing death by negligence from two to five years (for doctors - 2 yrs imprisonment)

Key Issues

- ▶ **Criminal Responsibility Age Discrepancy:** Criminal responsibility starts at seven, extendable to 12 based on maturity, potentially conflicting with global recommendations
- ▶ **Inconsistencies in Child Offense Definitions:** It sets child age below 18, but age criteria for offenses like rape differ, causing inconsistency
- ▶ **Retention of IPC Provisions on Rape and Sexual Harassment:** Maintains IPC provisions on rape and sexual harassment, omitting **Justice Verma Committee's 2013** suggestions for gender-neutral rape and recognizing marital rape as an offense.