

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

**M.A. No. 1107/2015
(M.A. No. 1345 of 2015)**

**In
Original Application No. 171/2013
And
Original Application No. 14/2017**

In the matter of :-

**National Green Tribunal Bar Association Vs. MoEF
And
Suresh Kumar Vs. Union of India & Ors.**

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

Present: Applicant: Mr. Rahul Choudhary and Ms. Geetanjali Sreedhar, Adv.

Respondent: Mr. Krishna Kumar Singh, Adv. for Ministry of Environment & Forest, & CC R-1

**Respondent: Mr. Daleep Dhyani, Adv., R-8
Mr. Ajay Bansal, Adv.
Mr. Raj Kumar, Adv. - CPCB
Mr. Anil Grover, AAG and Mr. Rahul Khurana, Adv. for State of Haryana.**

Date and Remarks	Orders of the Tribunal
Item Nos. 01-02 October 24, 2018 dv	<p>M.A. No. 1107/2015 (M.A. No. 1345 of 2015) In Original Application No. 171/2013</p> <p>1. This application was filed on the issue of illegal sand mining in Yamuna River bed in the State of Uttar Pradesh. Reference was made to certain newspaper articles reporting that an upright IAS Officer who wanted to take action against the illegal sand mining, was illegally suspended.</p> <p>2. The matter was considered on various dates and finally disposed of on 24.07.2015 in the light of the order of this Tribunal dated 13.01.15 in <i>Original Application No. 123/2014 in Himmat Singh Shekhawat Vs. State of Rajasthan & Ors.</i>¹ The matter was dealt with in terms of judgment of the Hon'ble Supreme Court in <i>Deepak Kumar</i> case requiring environment impact assessment to be</p>

¹(2015) All (I) NGT REPORTER (1) (Delhi) 44

	<p>Item Nos. 01-02</p> <p>October 24, 2018 dv</p>	<p>conducted before grant of sand mining lease. However, miscellaneous applications were directed to be separately numbered and put up for consideration.</p> <p>3. Several such miscellaneous applications, which were separately registered have already been dealt with by this Tribunal.</p> <p>4. Execution Application No. 17/2016, <i>Gurpreet Singh Bagga Vs. Ministry of Environment, Forest and Climate Change</i> was disposed of on 08.08.2018. The said order dealt with the issue of illegal mining in the flood plain of river Yamuna in the States of Uttar Pradesh and Haryana. The application originally filed was disposed of on 18.02.2016 constituting a High Powered Committee headed by the Secretary, Ministry of Environment, Forest and Climate Change (MoEF&CC), with representatives of States of Haryana and Uttar Pradesh. The States were directed to submit Mining Plans including methodology to be followed in granting mining leases and checks to be incorporated to safeguard against unscientific mining. The MoEF&CC prepared High Powered Committee Report dated 19.05.2016 making certain recommendations including that there should be a proper mining plan, Environmental Clearance, task force for inter-State co-ordination and check posts and mechanism for recovery of compensation. The High Powered Committee Report was accepted by the Tribunal in the order dated 08.08.2018.</p> <p>5. Original Application No. 173/2018, <i>Sudarsan Das Vs. State of West Bengal & Ors.</i> was disposed of on 04.09.18 recording that illegal mining was going on inspite of guidelines of the MoEF&CC. It was observed that proper monitoring mechanism was required. Reference</p>
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	<p>Item Nos. 01-02</p> <p>October 24, 2018 dv</p>	<p>was made to the Scheme of the Sustainable Sand Mining and Management Guidelines, 2016 providing for mapping of the resources at District level, identification of appropriate sites for extraction, safeguarding any adverse impact on the geology and hydrology. It was also noted that the Management Plan required a system of replenishment as well as preventive steps during the sand mining. The High Powered Committee (Supra) had suggested incorporation of security features in transportation.</p> <p>6. Reference was also made to Mines Surveillance System (MSS) developed by Ministry of Mines & Indian Bureau of Mines (IBM) with assistance from Bhaskaracharya Institute for space applications and Geoinformatics (BISAG), Gandhinagar and Ministry of Electronics and Information Technology (MEITY). After comprehensive consideration, MoEF&CC was directed to revise its directions on the subject by including MSS, safeguards in terms of sustainable sand mining guidelines, suggestions of High Powered Committee Report, demarcation of boundaries, issuance of SOP, laying down mechanism to evaluate loss to the ecology and to recover cost of restoration, institutional mechanism for effective monitoring, making a provision for 25% of the value of the mined material for restoration of the area and compensating the affected inhabitants, environmental audit, Committee of inhabitants to be associated in the course of environmental audit.</p> <p>7. Directions were also issued to the States of West Bengal and Orissa to carryout study and prepare a restoration plan, getting assessment made from the Indian</p>
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	<p>Item Nos. 01-02</p> <p>October 24, 2018 dv</p>	<p>Council of Forestry Research and Education, Dehradun in respect of the damage caused by illegal mining.</p> <p>8. Similar directions were issued in <i>Mushtakeen Vs. MoEF&CC & Ors., Original Application No. 44/2016</i> decided on 05.09.2018. The States of U.P. and Haryana were directed to follow the same procedure and furnish compliance report within three months. The said matter is now to be considered in the second week of February, 2019.</p> <p>10. In view of the above, no further direction remains necessary except to say that the directions in <i>Mushtakeem (supra)</i> will also cover the present case and the report to be furnished by the States of U.P. and Haryana may take note of the present case also.</p> <p>11. Assessment of damages may be got done by the concerned authorities in the light of directions in <i>Sudarsan Das (Supra)</i> and report in this aspect may be taken and acted upon. Such steps may be included in the report to be submitted to this Tribunal.</p> <p>12. The Application stands disposed of.</p> <p><u>Original Application No. 14/2017</u></p> <p>13. It is stated by the learned Counsel appearing for the parties that the issue is common in this application.</p> <p>14. Accordingly, this application also stands disposed of in same terms.</p> <p>....., CP (Adarsh Kumar Goel)</p> <p>.....,JM (S.P. Wangdi)</p> <p>.....,EM (Dr. Nagin Nanda)</p> <p style="text-align: right;">24.10.2018</p>
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