

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

(By Hybrid Mode)

Original Application No. 96/2023

In re: News item published in Newspaper Kalam Hindustani dated 22.01.2023 titled **“Illegal mining at Kairana’s Ramda in Yamuna, who is responsible?”**

Date of hearing: 24.02.2023

**CORAM: HON’BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON’BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON’BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON’BLE DR. AFROZ AHMAD, EXPERT MEMBER**

Respondent(s): Mr. Pradeep Misra & Mr. Daleep Dhyani, Advocates for UPPCB
Mr. Mukesh Verma, Advocate for Mining Department, UP

ORDER

1. Proceedings in this matter have been initiated suo motu in the light of captioned media report about illegal mining from Yamuna river at Ramda in Kairana Tehsil in District Shamli, Uttar Pradesh.

2. In response to advance notice dated 8.2.2023 sent by Registry of this Tribunal to State PCB, Department of Mining and District Magistrate, response has been filed by State PCB along with reports of Mining Department and SDM. During the hearing, learned Counsel for Mining Department/District Magistrate, Shamli has also handed over copy of letter dated 21.1.2023 to the effect that 5 dumpers were found parked at the site. Though no machine or mining activity was seen, footprints of machines were seen showing that machines had been used in violation of conditions of permit for which adverse action was proposed.

3. We have heard learned appearing Counsel and considered the material placed on record.

4. It is seen from the record that mining is within the flood plain zone of Yamuna, being within 1 km from the river. License was issued by District Magistrate on 4.1.2023 for removing the mineral deposited at their agricultural land. Mining has already been completed to the extent of 19124 cum. sand. Thus, illegal mining has taken place in the garb of license granted by District Magistrate. Letter dated 21.1.2023 shows that machines had been used and five dumpers used. As held in *Deepak Kumar v. State of Haryana & Ors.*¹, no mining can be permitted without undertaking Environment Impact Assessment (EIA) and preparing District Survey Report (DSR) and Replenishment Study. Mining on flood plain zone of river is prohibited as per River Ganga (Rejuvenation, Protection and Management) Authorities Order, 2016, which is applicable to Yamuna also. Thus, it is not case of simple removal of sand from field of an individual but systematic commercial mining in the garb thereof, as suggested in the media report.

5. In view of above, there is need to take remedial measures, following due process of law. There is also need to prevent such occurrences in the interest of protection of environment and public health with the involvement of higher level State authorities. For this purpose, we constitute a joint Committee of Additional Chief Secretaries, Environment Department, Mining Department and Jal Shakti Department, Uttar Pradesh and Integrated Regional Office, MoEF&CC, Lucknow. The ACS, Environment Department will be nodal agency for coordination and compliance. The Committee may meet within two weeks from today and

¹ (2012) 4 SCC 629

conduct proceedings online or offline. If necessary, it may undertake visit to the site, interact with stakeholders, ascertain factual position and plan further course of action for preventing violations of environmental norms and also for safeguarding state revenue in view of Sustainable Sand Mining Management Guidelines, 2016 and Enforcement and Monitoring Guidelines for Sand Mining, 2020 and earlier orders of this Tribunal. Plan of action may be prepared within one month which may cover such other locations as found necessary and executed within next three months. The Committee will be free to take assistance from any other department/individual/agency/expert/institution.

6. Status report about action taken in the matter may be finalized by 30.06.2023 and placed on the website of Environment Department of the State. A copy thereof be also sent to Registrar General of this Tribunal on or before 15.07.2023 by e-mail at judicial-ngt@gov.in preferably in the form of searchable PDF/OCR Support PDF and not in the form of Image PDF. If found necessary, the Registrar General may place the same before the Bench for further directions.

Subject to above, the application is disposed of.

A copy of this order be forwarded to Chief Secretary, Uttar Pradesh, Additional Chief Secretaries, Environment Department, Mining Department, Jal Shakti Department, Uttar Pradesh and Integrated Regional Office of MoEF&CC, Lucknow and District Magistrate and SSP, Shamli by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Arun Kumar Tyagi, JM

Dr. Afroz Ahmad, EM

February 24, 2023
Original Application No. 96/2023
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