

Item No.02

Court No.1

**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
(THROUGH PHYSICAL HEARING WITH HYBRID MODE)**

Original Application No.181/2023/EZ
(Earlier O.A. No.704/2023/PB)

In Re.: News item appearing in Dainik Bharat
Dated 02.11.2023 titled

“प्रशासनिक अंकुस के बाद और तेज हुआ बालू के अवैध खनन का खेल”

Applicant(s)

Versus

Jharkhand State Pollution Control Board & Ors.

Respondent(s)

Date of hearing: 22.04.2024

**CORAM: HON'BLE MR. JUSTICE B. AMIT STHALEKAR, JUDICIAL MEMBER
HON'BLE DR. ARUN KUMAR VERMA, EXPERT MEMBER**

For Applicant(s) : *Suo Motu*,

For Respondent(s): Mr. Surendra Kumar, Adv. for R-1, (in Virtual Mode)
Ms. Aishwarya Rajyashree, Adv. for R-2&3, (in Virtual Mode)

ORDER

1. Affidavit dated 19.04.2024 has been filed on behalf of the Respondent No.2, Deputy Commissioner, Bokaro; the same is taken on record.
2. Along with this affidavit, an Action Taken Report has been filed as Annexure-A. However, this Action Taken Report does not mention computation of Environmental Compensation from the alleged illegal sand miners whose trucks have been seized as far back as 27.07.2022.
3. In para 10 of this affidavit it is stated that the operations of Sand Ghats in the State of Jharkhand are governed by the Jharkhand State Sand Mining Policy, 2017, and the Ghats have been categorized as Category-1 and Category-2 Ghats; Category-1 Sands Ghats can be used for non- commercial purposes such as -

domestic purposes, community purposes, Government sponsored scheme etc. whereas Category-2 of the Sand Ghats shall be maintained by the Jharkhand State Mineral Development Corporation Limited (JSMDC), which will be used for commercial purposes.

4. Question is whether this Jharkhand State Sand Mining Policy, 2017, has any statutory force and is in consonance with the Sustainable Sand Mining Guidelines, 2016 and Enforcement and Monitoring Guidelines for Sand Mining, 2020, issued by the Ministry of Environment, Forests and Climate Change.
5. Considering the counter-affidavit which has been filed by the State of Jharkhand and the averments made therein with regard to the Jharkhand State Sand Mining Policy, 2017, we are of the view that the Ministry of Environment, Forests and Climate Change, Government of India, must examine this Policy and submit its affidavit.
6. We find that the Ministry of Environment, Forests and Climate Change, Government of India, has not been impleaded in the present proceedings.
7. Considering the seriousness of the matter, we direct that the Ministry of Environment, Forests and Climate Change, Government of India, through its Secretary, New Delhi, be impleaded in the array of Respondents as Respondent No.4.
8. Issue notice to the newly added Respondent No.4.
9. Ms. Amrita Pandey, learned Counsel who is present (in Virtual Mode), accepts notice on behalf of the newly added Respondent No.4. Learned Counsel prays for and is granted four weeks time for filing counter-affidavit.

10. The office of the Tribunal is directed to provide copy of the Original Application to Ms. Amrita Pandey, Counsel for Respondent No.4.
11. Ms. Aishwarya Rajyashree, learned Counsel appearing (in Virtual Mode) for State Respondents, Government of Jharkhand, and Mr. Surendra Kumar, learned Counsel appearing (in Virtual Mode) for Respondent No.1, Jharkhand State Pollution Control Board, shall also serve copies of their affidavits dated 19.04.2024 and 16.02.2024 respectively, upon Ms. Amrita Pandey, Counsel for Respondent No.4 in the course of the day.
12. The Respondent No.4 shall examine both the affidavits of the State of Jharkhand as well as the Jharkhand State Pollution Control Board and file a detailed counter-affidavit within four weeks and also state as to whether the Jharkhand State Sand Mining Policy, 2017, framed by the State of Jharkhand is a valid policy and is in accordance with the Sand Mining Guidelines 2016 and 2020 issued by the Ministry.
13. Let the counter-affidavit be filed within four weeks.
14. **List on 03.07.2024.**

.....
B. Amit Sthalekar, JM

.....
Dr. Arun Kumar Verma, EM

April 22, 2024,
Original Application No.181/2023/EZ
(Earlier O.A. No.704/2023/PB)
AK