

Item No.08

Court No. 1

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

Original Application No. 596/2018

Amarshakti

Applicant(s)

Versus

State of Bihar & Ors.

Respondent(s)

Date of hearing: 14.02.2019

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

For Applicant(s):

**ORDER**

1. The issue for consideration is illegal sand mining in rivers Sone and Ganga at Koelnar and Patna in Bihar. The Tribunal considered the matter on 24.08.2018 in the light of the judgement of Hon'ble Supreme Court in *Deepak Kumar vs. State of Haryana, (2012) 4 SCC 629* and *Sustainable Sand Mining Management Guidelines, 2016* issued by the Ministry of Environment, Forests and Climate Change (MoEF&CC). It was found that the river bed mining was continuing during rainy season illegally. The illegal mining was resulting in affecting the flow of the rivers.
2. The Tribunal directed Secretary, Mines and Mineral, Bihar to constitute a team of representatives of Mines and Mineral Department, District Magistrate and the SSP to look into the matter and take appropriate action in accordance with law.
3. Accordingly, report dated 12.10.2018 has been received from the Government of Bihar stating that 122 prosecutions have been initiated and 297 persons arrested. 32 boats and 287

trucks have been seized in District Saran. Action has also been taken in District Bhojpur at Ara and District Vaishali at Hajipur. Similarly action has also been taken at Koelbar as well as for violations at Ganges river at Patna.

4. In view of the above, this application stands disposed of with further direction that the State may evolve a mechanism to assess and recover the damages caused to the environment and also the cost of restoration of environment. In view of order in *Original Application No.110(T<sub>HC</sub>)/2012, Threat to life arising out of coal mining in south Garo Hills district Vs. State of Meghalaya & Ors. dated 04.01.2019* of this Tribunal, vehicles or other instruments used for mining should not be released without recovery of 50% of the showroom value of such vehicle or instrument.
5. The matter may be reviewed from time to time at the level of Secretary, Government of Bihar. Monitoring may be continued further to enforce the law.

Adarsh Kumar Goel, CP

K. Ramakrishnan, JM

Dr. Nagin Nanda, EM

February 14, 2019  
Original Application No. 596/2018  
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