

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

**Original Application No. 191/2013**

**Tiger Protection Group V/s. UOI & Ors.**

**CORAM: HON'BLE MR. JUSTICE DR. P. JYOTHIMANI, JUDICIAL MEMBER  
HON'BLE DR. G. K. PANDEY, EXPERT MEMBER**

**Present:**

<b>Applicant / Appellant</b>	<b>: Not mentioned</b>
<b>Respondent No. 1</b>	<b>: Mr. Vikas Malhotra, Adv. &amp; Mr. M.P. Sahay Adv.</b>
<b>Respondent No. 2 &amp; 5</b>	<b>: Mr. Ms. Savitri Pandey, Adv</b>
<b>Respondent No. 3</b>	<b>: Mr. C.D. Singh and Harshita Kumar, Anshuman Shrivastava, Adv.</b>
<b>Respondent No. 4</b>	<b>: Mr. Aditya Sharma, Adv</b>

	<b>Date and Remarks</b>	<b>Orders of the Tribunal</b>
	<b>Item No. 4 October 9, 2014</b>	<p>We have heard learned counsel appearing for the applicant as well as the learned counsel appearing for all the three states of Madhya Pradesh, Uttar Pradesh and Rajasthan apart from the learned counsel appearing for the MoEF at length. The learned counsel appearing for the applicant has brought to the notice of this Tribunal various reports appearing in the newspapers like Times of India stating that the illegal sand mining has been going on especially in State of Madhya Pradesh, Uttar Pradesh and Rajasthan and in fact in respect of the case in Bhopal, IG Chambal Range DC Sagar has informed the Times of India that steps are already taken for the purpose of apprehending the persons involved in illegal mining activities. It is the contention of the learned counsel that by virtue of large scale illegal mining activities in these States, the two species of Gharial and red crowned turtle are likely to become extinct and that will be against the environmental concept as well as the concept of bio-diversity. We are aware that this Tribunal is not concerned about the Wild Life Protection Act. However, if the illegal</p>

sand mining as well as illegal fishing and stone quarrying is conducted which are unable to be curtailed by the State Governments or for any other reason has not taken any action, it is the duty of the MoEF, having overall authority not only to supervise and also to give instructions to the State Governments to take appropriate action. Further, it is clear that by virtue of these illegal acts including the illegal fishing apart from sand mining there is a possibility of water contamination which will ultimately result in environmental disaster and adverse impact on the quality of water. Further, the Environment Protection Act confers adequate powers not only to the Tribunal but also to the MoEF to take appropriate action.

We are also informed and as it is seen in the reply filed by MoEF, that the MoEF itself has constituted a three tier Coordination Committee called the National Tri-State Chambal Sanctuary Management and Coordination Committee vide order No. 21-6/2010 WL-I dated 07.01.2011. Further, Ghariyals are also included as one of the Critically Endangered Species for initiating recovery and specialized conservation programmes.

Mr. Malhotra, learned counsel appearing for the MoEF is unable to produce records to show about the further action taken by the Committee, which will have direct impact on the case on hand. He would submit that the documents would be obtained from the Department and submitted before the Tribunal on the next date of hearing.

The Ld. Counsel appearing for the respective State Governments also undertake to file affidavit and documents showing the action taken so far and this result with

statistical particulars, after serving copies to the other side in advance, at least 10 days before the next date of hearing. The Learned Counsel appearing for Madhya Pradesh would submit that a complete scheme has been prepared for the whole State of Madhya Pradesh and he will also produce the same along with the supporting documents.

Stand over to 13.11.2014.

....., JM  
(Dr. P. Jyothimani)

....., EM  
(Dr. G.K. Pandey)

