

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

Original Application No. 248/2022

In re: News item published in The Hindu dated 27.03.2022 titled
“Digging up the Chambal”

Date of hearing: 03.11.2023

**CORAM: HON’BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON’BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON’BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

Respondent: Mr. Paritosh Anil, Adv. for MoEF & CC (Through VC)
Mr. Bhanwar Pal Singh Jadon & Mr. Naveen Kumar Singh, Advs. for the
State of UP
Mr. Arvind Kumar, Adv. for UPPCB
Mr. Mukesh Verma, Adv. for Mining Department, State of UP (Through
VC)
Ms. Prachi Mishra & Ms. Rebecca Mishra, Advs. for Deptt. of Mines &
Geology, Rajasthan (Through VC)
Mr. Mehul Bharadwaj, Adv. for the State of Madhya Pradesh (Through
VC)

ORDER

1. The issue involved in this original application is as regards illegal mining which is taking place near Dholpur in the periphery of Keoladeo National Park in Rajasthan close to the National Chambal Sanctuary (NCS).

2. The Tribunal, considering the earlier reports on the issue by order dated 25.07.2023, had directed following further follow up action:

“19. In view to ensure further follow-up action, we direct:

- (i) *District Authorities (Chief Secretaries, DGPs, PCBs of Rajasthan, MP and UP and SSPs and DMs of Bhind, Morena, Gwalior, Agra, Etawah, Jhansi, Dholpur and Bharatpur) to periodically monitor it and ensure compliance of (2016 and 2020) Guidelines and control illegal mining and submit a further action taken report within three months 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.

- (ii) Secretary, MoEF&CC need to have monitoring with Chief Secretary of MP to provide clarity on acceptability of Notification dated 31.01.2023 de-notifying 207 hectare from the sanctuary.*
- (iii) Secretary, MoEF&CC need to have a joint meeting with the Chief Secretaries of MP, UP and Rajasthan and the concerned Head of Departments (Forest and Wildlife and those related to NCS) and to ascertain complete protection of NCS with reference to wildlife and no mining or other activities. MoEF&CC need to give independent report on direction nos. (ii) and (iii) above.”*

3. In pursuance to the aforesaid directions of the Tribunal, the compliance report on behalf of the Ministry of Environment, Forest and Climate Change (MoEF&CC) has been filed. The said compliance report states about the discussion with the concerned authorities of States of Madhya Pradesh, Uttar Pradesh and Rajasthan which was held in the meeting chaired by the Secretary, MoEF&CC. The conclusions as recorded in the report of the MoEF&CC are as under:

“Conclusions:

12. After deliberations on the necessity for consistently enforcing the anti-illegal mining measures, the following actionable points emerged:

- i. All the State Governments should prioritize and encourage permissible activities within the catchment areas in order to raise awareness and naturally mitigate illegal mining and poaching activities.*
- ii. The State Governments of Madhya Pradesh, Uttar Pradesh, and Rajasthan, shall provide detailed reports of the measures taken to combat illegal mining in the vicinity of the Chambal Sanctuary immediately.*
- iii. Thereafter, the State Governments are to submit a monthly report to the Ministry on the progress regarding steps to curb illegal mining.*
- iv. A standardized format will be devised by the Ministry for monitoring of actions taken by the respective State Governments.*
- v. A quarterly coordination committee meeting will be held under the Chairmanship of ADG (WL) to oversee the actions taken by State Governments and share best practices.*
- vi. State Government of Rajasthan to take immediate steps to submit the proposal for notification of the ESZ for National Chambal Wildlife Sanctuary.*

vii. District Collectors should take proactive measures for providing alternative livelihood options for the local communities currently dependent on sand mining, through convergence of various schemes. The meeting ended with a vote of thanks to the Chair and all participants.”

4. Learned Counsel for the MoEF&CC is directed to place on record the ESZ notifications dated 10.06.2020 in respect of National Chambal Wildlife Sanctuary, UP and dated 20.02.2020 in respect of National Chambal Wildlife Sanctuary, MP. He is also directed to place on record the notification relating to Chambal Wildlife Sanctuary before the next date of hearing.

5. Separate reports on behalf of the States of MP, UP and Rajasthan have been filed.

6. So far as the report filed on behalf of the State of UP is concerned, the stand of State of UP is that there is no case of regular, organized and mechanized illegal mining in UP. Counsel appearing for the State of UP has clarified that the said stand relates to the area under consideration in this OA. It is further the stand of the State of UP that the sand of Chambal excavated from MP and Rajasthan is transported through Saiyyan border of Agra in UP and Agra-Gwalior road whose aerial distance is about 40 kms from the border of Chambal Sanctuary, UP. The report contains the purported details of action taken in District Agra, Etawah and Jhansi to prevent the transportation of the sand which has been illegally mined.

7. Learned Counsel for State of UP has prayed for time to file the further action taken report.

8. The report on behalf of the Mines and Geology Department of State of Rajasthan has also been filed disclosing the number of challans issued

for illegal sand mining by the transport department, the total cases registered by the police department, Forest Department (Social Forestry) and Forest Department (Wildlife). The report though states about the action taken and mentions that the illegal sand mining prevalent in the area has seen significantly but the necessary particulars in respect of result achieved in this regard have not been disclosed.

9. So far as the State of MP is concerned, the report mentions about a detailed plan on “Comprehensive Conservation and Protection Plan for National Chambal Sanctuary”. Learned Counsel for the State of MP has prayed for time to point out stage of finalization of the said proposed plan.

10. As per the report filed by the State of MP, the police administration has taken some steps for deployment of forces in three districts, namely, Morena, Sheopur and Bhind to prevent illegal mining, transportation and storage of illegal mined sand. In paragraph 12 of the report, it is mentioned that the State Forest Department has de-notified an area of 207.049 hectares on 31.01.2023 from the NCS area and it is gathered from the facts disclosed in that paragraph that de-notification may be for the purpose of permitting sand mining in that area.

11. Learned Counsel for the State of MP is directed to place on record and explain as to how for the purpose of sand mining, the NCS area can be de-notified.

12. In view of the observations made above and having regard to the facts that continuous monitoring and stringent measures are required to prevent the illegal mining of sand in the area concerned, its storage and transportation, we direct the concerned State Authorities to take further action in pursuant to the earlier directions of the Tribunal and file fresh

action taken reports after 8 weeks 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.

13. List on 19.01.2024.

Prakash Shrivastava, CP

Sudhir Agarwal, JM

Dr. A. Senthil Vel, EM

November 03, 2023
Original Application No. 248/2022
DV