

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

(By Video Conferencing)

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: 21.09.2022

**CORAM: HON’BLE MR. JUSTICE ADARSH KUMAR GOEL, CHAIRPERSON
HON’BLE MR. JUSTICE SUDHIR AGARWAL, JUDICIAL MEMBER
HON’BLE PROF. A. SENTHIL VEL, EXPERT MEMBER**

Respondent(s): Mr. Raghav Sharma, Advocate for MPPCB

ORDER

1. The matter has been taken up on the basis of captioned media report to the effect that illegal mining is taking place in the periphery of Keoladeo National Park in Rajasthan near Dholpur. The area is also close to National Chambal Sanctuary which is habitat of rare species of animals particularly Gharial, roofed turtles and also river dolphins. Illegal and unscientific mining is resulting in pollution in the area, adversely affecting the environment and public health. Blanket clearances are given for mining projects in violation of Sustainable Sand Mining Guidelines, 2016 and 2020.

2. It is well known that mining can be allowed only after requisite EC in terms of directions of the Hon’ble Supreme Court in *Deepak Kumar v. State of Haryana & Ors.*, (2012) 4 SCC 629 for which District Survey Report and Replenishment study have to be prepared and appraisal conducted.

3. Vide order dated 05.04.2022, the Tribunal constituted Eight Member Joint Committee comprising DGF&SS, Wildlife, MoEF&CC; Director, National Chambal Sanctuary; Secretaries Mining, Rajasthan, UP and M.P. and UP, MP and Rajasthan State PCBs. The Committee was to prepare an action plan for remedial action for protecting aquatic habitats, demarcating and notifying areas for sand mining operations in conformity with ESMG 2016 and SSMG 2020, replenishment potential without conflicting with the national parks/ sanctuaries or any ecological habitat area, whether notified or not.

4. In pursuance of above, the Committee has given its report on 14.07.2022. Relevant extracts from the report are:

“OBSERVATIONS:-

The Joint Committee decided to visit the illegal sand mining site mentioned in news item published in The Hindu dated 27/03/2022 titled “Digging of Chambal”. So joint committee visited the Rajghat site situated adjacent to Road bridge on Morena-Dholpur Road in Village Bhanpur, Tehsil and District Morena. Following observations were made by the joint committee at this site:-

1. ***Illegal sand mining was carried out at the site continuously by using JCBs and loaders on right bank of Chambal river known as Rajghat which is situated in village Bhanpur of Tehsil and District Morena in Madhya Pradesh.*** A big exposed sand bed area seen at this site. About 30-40 tractor trolleys were seen on the site, which are used for transportation of sand. From the site. Photographs taking during visit are enclosed as Annexure C-15.
2. *Sand was excavated from exposed sand bed and also from river stream. Sand bed cuts were seen about 10-20 feet deep from where sand has been already excavated.*
3. *Tractors were moving continuously in and out from this illegal sand mining site. These transport vehicles either go towards Morena, MP or towards Dholpur, Rajasthan.*
4. *Two other Chambal river bank sites having exposed sand bed situated in Dholpur District, Rajasthan were also visited by Joint Committee. On both sites no sand excavation was seen to be carried out. Photographs taken during visit at both sites are enclosed as Annexure C-16 & C-17. Details of sites and status of sand mining observed is as follows :*

Sr. No.	Site Location	GPS Coordinates	Observation at site
1	Village Basaineem, Tehsil Dholpur, District Dholpur, Rajasthan	26.6494N 77.8950E	No sand mining activity seen
2	Village Shankarpura, Tehsil Rajakheda, District Dholpur, Rajasthan	26.6744N 78.0847E	No sand mining activity seen

5. *About the issue of blanket clearances to sand mine projects in NCS area it is stated that National Chambal Sanctuary is a protected area under The Wild Life Protection Act of 1972. Hence sand mining could not be permitted in NCS area. Requisite EC, Appraisal of District Survey Report and Replenishment study are only required when any mining could be permitted in the NCS area.*
6. *About the issue of preparation of action plan for sand mining as per prevailing guidelines etc. it is stated that sand mining is not permitted in NCS area, hence at present there is no need of preparation of action plan for demarcating and notifying areas for sand mining operation in conformity with ESMG 2016 and SSMG 2020 and Replenishment potential of Chambal River in NCS area.*

(A) FACTUAL STATUS OF THE MAJOR ISSUES RAISED IN PETITION ON WHICH STATUS REPORT SOUGHT BY HON'BLE NGT THROUGH ORDER DATED 05.04.2022

On the basis of observation made by Joint Committee the factual status against the issues raised in petition on which status report sought by Hon'ble NGT through order dated 05.04.2022 is summarized as below:-

S. No.	Detail of Issues	Factual status
1	The matter has been taken up on the basis of captioned media report to the effect that illegal mining is taking place in the periphery of Keoladeo National Park in Rajasthan near Dholpur. The area is also close to National Chambal Sanctuary which is habitat of rare species of animals particularly Gharial, roofed turtles and also river dolphins. Illegal and unscientific mining is resulting in pollution in the area, adversely affecting the environment and public health. Blanket clearances are given for mining projects in violation of Sustainable	<i>Illegal sand mining from various identified locations in NCS area is reported to be carried out by sand mafia. Keoladeo National Park, Bharatpur is far away from NCS area. So this is not correct to say that illegal sand mining is taking place in the periphery of Keoladeo National Park in Bharatpur. But it is reported that sand mafia uses interior routes passing from the periphery of Keoladeo National Park for transportation of sand illegally mined out from NCS area.</i> <i>River Chambal water quality in NCS area is regularly monitored by concerning SPCBs through total seven sampling stations (4 in MP, 2 in Rajasthan and 1 in UP). Water quality of river is compared with Indian</i>

	Sand Mining Guidelines, 2016 and 2020.	Standards for Inland Surface Water IS:2296-1982. The brief of category and class of inland surface water specified in standards is as follows: <table><tr><th>Category</th><th>Classification (suitable for)</th></tr><tr><td>A</td><td>Drinking water source without conventional treatment but after disinfection</td></tr><tr><td>B</td><td>Outdoor Bathing</td></tr><tr><td>C</td><td>Drinking water source with conventional treatment followed by disinfection</td></tr><tr><td>D</td><td>Fish Culture and wild life propagation</td></tr><tr><td>E</td><td>Irrigation, Industrial cooling or controlled waste disposal</td></tr></table> The Chambal River water quality in year 2020 and 2021 in NCS area found in category A to B in MP (4 sampling stations) and category B in Rajasthan (2 sampling stations) and category D in UP (1 sampling station). Governing parameters found responsible for deterioration of category of water are MPN and BOD which is mainly imparted by discharge of sewage in to river from nearby habitations / townships. Since National Chambal Sanctuary is a protected area notified under The Wild Life Protection Act of 1972. Hence sand or other mineral mining is completely prohibited in NCS area. So there is no question of giving blanket clearances to any sand mining project in NCS area in violation of Sustainable Sand Mining Guidelines, 2016 and 2020 since sand mining is not permitted in NCS area.	Category	Classification (suitable for)	A	Drinking water source without conventional treatment but after disinfection	B	Outdoor Bathing	C	Drinking water source with conventional treatment followed by disinfection	D	Fish Culture and wild life propagation	E	Irrigation, Industrial cooling or controlled waste disposal
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D	Fish Culture and wild life propagation													
E	Irrigation, Industrial cooling or controlled waste disposal													
2	It is well known that mining can be allowed only after requisite EC in terms of direction of the Hon'ble Supreme Court in Deepak Kumar v. State of Haryana & Ors., (2012) 4 SCC 629 for which District Survey Report and Replenishment study have to be prepared and appraisal conducted.	National Chambal Sanctuary is a protected area. Hence sand mining could not permitted in this area. Requisite EC, Appraisal of District Survey Report and Replenishment study are only required when any mining could be permitted in the NCS area.												
3	In view of above averments, we constitute and Eight Member Joint Committee comprising DGF&SS, Wildlife, MoEF&CC; Director,	The Joint Committee meeting and field inspection has been performed on 17.05.2022 at NCS Morena, MP office. In NCS area illegal sand mining is reported to be carried out at various												

National Chambal Sanctuary: Secretaries Mining, Rajasthan, UP and M.P. and UP, MP and Rajasthan State PCBs. Madhya Pradesh State PCB will be the nodal agency for coordination and compliance. The Committee may meet within two weeks, undertake visit to the site, interact with the stakeholders and prepare an action plan for remedial action for protecting aquatic habitats, demarcating and notifying areas for sand mining operations in conformity with ESMG 2016 and SSMG 2020, replenishment potential without conflicting with the nation parks/sanctuaries or any ecological habitat area, whether notified or not. The statutory authorities may take further remedial action in light to the said action plan, as per law. A factual and action taken report may be filed before this Tribunal within two months by e-mail.	locations already covered in this report. Illegal Mining is the major threat for aquatic habitats of NCS area. Since sand mining is not permitted in NCS area, hence at present there is no need of preparation of action plan for demarcating and notifying areas for sand mining operation in conformity with ESMG 2016 and SSMG 2020 and Replenishment potential of Chambal River in NCS area. For protecting aquatic habitats from the threat of illegal sand mining in NCS area, Joint committee made various recommendations after detailed discussion and feed back provided by stack holder departments which are elaborated in recommendation part of this report. This factual and action taken report is prepared by Joint Committee for submission before Hon'ble NGT.
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RECOMMENDATIONS :

After detailed discussion in meeting and field visit, facts came to the knowledge of joint committee, it is clear that illegal sand mining is carried out in NCS area by well organized sand mafia supported political persons in background. Sand mafia evolved the villagers residing near Chambal for carrying out illegal sand mining. In case of any raid by forest department, SIT etc., these people gathered in large number and equipped with weapons, stones, sticks etc. Several incidents of conflict, firing and protest have been reported during raids. In spite lot of efforts and action taken by forest department, SIT etc. it is not possible to stop the illegal sand mining from NCS area. So joint committee firmly submits the following recommendations to stop/control the illegal sand mining in NCS area :

1. An independent dedicated special task force either State Police or Central force may be deployed at illegal sand mining sites in NCS area for taking stern action against defaulters at least two full sand seasons.
2. An interstate task force may be constituted with members of stack holder departments for proper co-ordination and joint action.
3. Adequate number of check post equipped with CCTV surveillance camera connected with server accessible to all concern shall be provided for effective monitoring.
4. Creating alternative livelihood opportunity for locals who are totally dependent on illegal mining.

5. *Equipping forest force with latest weapons and increasing their numbers along with boat patrolling and drone survey facilities.*
6. *Creating alternative of sand available in this area like sand crush etc. since there is no alternate of NCS where alternate sand may be there.*
7. *Opening source area for legal mining. It is under pipeline. NCS Morena have proposed 292 hectare of area for de-notification, so that local requirement can be fulfilled. This proposal is with NBWI for approval.*
8. *In case of Law and Order situation if any enquiry is instituted against any forest officer, then power of magisterial enquiry should be given to the forest department.*
9. *Considering it a big problem, every stake holder department should come together and do their bot.*
10. *RTO shall be directed to seize transport vehicles used in illegal transportation of river sand from NCS area and to cancel registration of illegal miners vehicle who are without number plates.*
11. *Petrol pump not to give diesel/petrol to vehicles involved in this.*
12. *Illegal properties of illegal miners to be seized.*
13. *Police to come heavily on illegal miners.*
14. *Revenue department to register case against those whose land is used for illegal sand dumping.*
15. *A strong political will required to stop the activities of sand mafia.*
16. *A mass publicity of action taken by forces on illegal mining should be regularly carried out through local news paper, FM Radio etc.*
17. *Local public participation also needs to be encouraged for their contribution to control the illegal mining. Awareness campaign among the public about the side effects of illegal mining through MLAs, MPs and public representatives may be started by forest department or other concerned authorities.*
18. *A continuous media campaign shall be started for creating awareness in public about environment and wild life related to Chambal River and side effects of illegal mining on it.*

(B) ACTION TAKEN REPORT:-

1. *Action taken report of year 2021-22, for stopping illegal sand mining and transportation from Chambal River in NCS area, was called upon by Joint Committee from concerned departments. As per reports received from concerning departments, status is summarized as below :*
 - (a) **ATR of NCS/Forest Department, Morena, Madhya Pradesh**
Cases of illegal sand mining/transportation registered – 193 Vehicle seized - 137
 - (b) **ATR of NCS/Forest Department, Agra, Uttar Pradesh**
Cases of illegal sand mining/transportation registered – 10 Vehicle seized - Nil
 - (c) **ATR of Mining Department, Bharatpur, Rajasthan**

Action taken by Forest department and Police department jointly in Dholpur district -- Cases of illegal sand mining/transportation/storage registered – 89 Vehicles seized – 88

*(d) **ATR of Mining Department, Morena, Madhya Pradesh***

Within NCS area action are taken by Forest department.

2. *Hon'ble NGT Central Zonal Bench Bhopal passed an order on 25.05.2022 in the matter OA 57/2021 Dr. Govind Singh-MLA Vs State of Madhya Pradesh . Copy of order is enclosed as Annexure C-18. This case is on the issues related to illegal sand mining in the basin of river Sindh and Chambal in different places of district Bhind, Datia, Gwalior and Morena. In compliance to Hon'ble NGT Order dated 25.05.2022 a meeting of stack holder departments was called upon recently by Chief Secretary of Madhya Pradesh on dated 27.06.2022. Copy of minutes of meeting received from Mineral Resources Department of Madhya Pradesh is enclosed as Annexure C-19 .”*

5. From the above, it is seen that illegal sand mining was found to be taking place continuously on the bank of Chambal River not only in Rajasthan but also in Madhya Pradesh. Further, it is a matter of common knowledge that some area of UP in this region is also similarly vulnerable. The report finds that sand Mafias are using interior routs for conducting illegal mining in the national park, which are supported by political persons and are well equipped with weapons. Recommendations are for constitution of inter-state Special Task Force equipped with latest weapons, installing CCTV cameras, coordination with all stakeholders, taking safety measures in dispensing diesel and petrol for the vehicles involved in illegal mining, creating awareness, listing public participation and handling the law violators by enforcing the law as well as by providing them alternative means of livelihood.

6. Learned Counsel for the MP State PCB has put in appearance and drawn our attention to order dated 17.08.2020 by the Central Zone Bench,

Bhopal in OA No. 57/2021(CZ), *Dr. Govind Singh-MLA vs. State of Madhya Pradesh & Ors.* noting the steps taken by the State of MP.

7. We have considered the matter and find that while the above order records the steps taken by the State of MP, without being in conflict with the said order, it is necessary to take further measures in the light of report dated 14.07.2022 of the eight-member Committee which was not before the Central Zone Bench, Bhopal while passing the order. As already noted, the problem is not only within MP but also on the border areas of MP, Rajasthan and UP and inter-state coordination issue is required to be gone into which has not been dealt with in the order referred to above.

8. We are thus broadly in agreement with the report and direct further action in the light of the recommendations therein. Such action may be overseen by the Additional Chief Secretaries, Mining and Environment Departments of Uttar Pradesh, Rajasthan and Madhya Pradesh in their respective jurisdictions and they may appear before the Tribunal by video conference for assistance in issuing further directions to remedy the situation. The Director-General of Forests & Special Secretary (DGF&SS), Wildlife, MoEF&CC may also remain present in person through video conference on the next date.

List for further consideration on 24.01.2023.

A copy of this order be forwarded to Additional Chief Secretaries, Mining and Additional Chief Secretaries, Environment Departments of Uttar Pradesh, Rajasthan and Madhya Pradesh and DGF&SS, Wildlife, MoEF&CC by e-mail for compliance.

Adarsh Kumar Goel, CP

Sudhir Agarwal, JM

Prof. A. Senthil Vel, EM

September 21, 2022
Original Application No. 248/2022
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