BEFORE THE NATIONAL GREEN TRIBUNAL, PRINCIPAL BENCH, NEW DELHI

Original Application No. 171 of 2013

National Green Tribunal Bar Association Vs. Ministry of Environment & Forests & Ors.

CORAM: HON'BLE MR. JUSTICE SWATANTER KUMAR, CHAIRPERSON

HON'BLE MR. JUSTICE U.D. SALVI, JUDICIAL MEMBER HON'BLE MR. JUSTICE S.N. HUSSAIN, JUDICIAL MEMBER

HON'BLE DR. D.K. ARGAWAL, EXPERT MEMBER

HON'BLE MR. RANJAN CHATTERJEE, EXPERT MEMBER

Present: Applicant: Mr. Raj Panjwani, Sr. Advocate along with Mr.

Rahul Choudhary, Advocate

Respondents: None appeare

Respondents: None appeared	
Date and	Orders of the Tribunal
Remarks	منابا شات
Upon mentioning	
August 5, 2013	Heard learned counsel appearing for the Applicant
	at some length.
10	The contention raised before us is that large scale
1	illegal and impermissible mining activity is going on, on
11.	the bank of Yamuna, Ganga, Chambal, Gaumti and Revati
	amongst others. This removal of minerals from the river
	beds is causing serious threat to the flow of the river,
11 0	forests upon river bank and most seriously to the
20 11/1	environment of these areas. All these 3 aspects are
	covered under Schedule – I of the National Green Tribunal
	Act, 2010 (NGT Act, 2010).
	It is further contended that in terms of the Orders of
	the Hon'ble Supreme Court of India in the case of Deepak
	Kumar Vs. State of Haryana, even the person carrying on
	mining activity in less than 5 hectares, are expected to
	take EIA Clearance from MoEF/SEIAA.
	Besides holding the above, the Hon'ble Supreme
	Court of India clearly stated that sand mining on either
	side of the rivers, upstream and in-stream, is one of the
	causes for environmental degradation and also a threat to
	the biodiversity.
	The contention is also that majority of persons
	carrying out the mining activity of removing mineral from

the river bed have no license to extract sand, they also

have not obtained clearance from MoEF/SEIAA at any

stage in terms of the Environment (Protection) Act, 1986

(EP Act, 1986) as well as Air (Prevention and Control of Pollution) Act, 1981 and Water (Prevention and Control of Pollution) act, 1974.

Besides violations of law, the mining activity is being carried out on a large scale, causing State revenue loss which may be running into lakhs of crores of Rupees.

For the reasons aforestated, we find merits in this Petition which raises substantial environmental issues and questions arising directly from the implementation of the EP Act, 1986 and other Acts under Schedule – I of NGT Act, 2010. Thus, squarely this Petition falls within the ambit of Section 14 of NGT Act, 2010.

Resultantly, we issue Notice to all the Respondents by registered post/acknowledgment due and Dasti as well.

Notice returnable on 14th August, 2013

In the meantime, we restrain any person, company, authority to carry out any mining activity or removal of sand, from river beds anywhere in the country without obtaining Environmental Clearance from MoEF/SEIAA and license from the competent authorities.

All the Deputy Commissioners, Superintendent of Police and Mining Authorities of all the respective States are directed to ensure compliance of these directions.

(Swatanter Kumar)
,JM (U.D. Salvi)
,JM (S.N. Hussain)
,EM (Dr. D.K. Agrawal)
,EM (Ranjan Chatterjee)