



**Government of Jammu and Kashmir**  
**General Administration Department**  
(Legal Section) Civil Secretariat,  
Srinagar/Jammu.

No: GAD (Legal)F- 562/2013/1302  
Dated: 27 . 08 . 2013.

Subject: Original Application No: 171/2013- titled National Green Tribunal  
Bar Association Vs, Ministry of Enviroment and Forest and Others.

A.S.

Commissioner/Secretary to Government, PHE, I&FC Department  
may kindly refer to the afore-titled subject matter. In this connection, the  
undersigned is directed to forward herewith copy of order dated 05-08-  
2013 passed by National Green Tribunal, Principal Bench, New Delhi for  
information and further necessary action under an intimation to this Department  
for perusal of Chief Secretary.

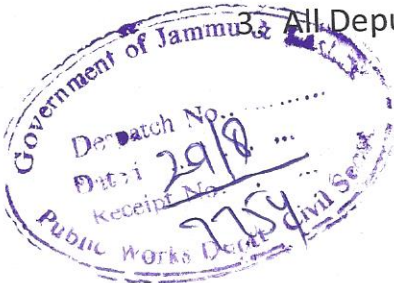
  
Additional Secretary to Government  
General Administration Department.

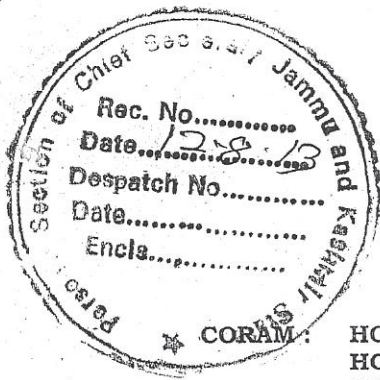
✓  
Commissioner/Secretary to Government,  
PHE, I&FC Department.

Encls: A/A.

Copy for information to the:-

1. Commissioner/Secretary to Government, Revenue Department
2. Commissioner/Secretary to Government, Industries and Commerce  
Department for information.
3. All Deputy Commissioners.





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.

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 appeared

Date and Remarks	Orders of the Tribunal
Upon mentioning August 5, 2013	<p>Heard learned counsel appearing for the Applicant at some length.</p> <p>The contention raised before us is that large scale illegal and impermissible mining activity is going on, on 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, forests upon river bank and most seriously to the environment of these areas. All these 3 aspects are covered under Schedule - I of the National Green Tribunal Act, 2010 (NGT Act, 2010).</p> <p>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.</p> <p>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.</p> <p>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</p>

Shuman  
12/8/2013



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(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 aforesated, 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 14<sup>th</sup> 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.

.....,CP  
(Swatanter Kumar)

.....,JM  
(U.D. Salvi)

.....,JM  
(S.N. Hussain)

.....,EM  
(Dr. D.K. Agrawal)

.....,EM  
(Ranjan Chatterjee)



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