

5.8.2013

“Sand mining, it may be noted, may have an adverse effect on the bio-diversity as loss of habitat caused by sand mining will effect various species, flora and fauna and it may also destabilise the soil structure of river banks and often leaves isolated islands.”

The Hon’ble Supreme Court of India in **Depak Kumar & Ors Vs. State of Haryana & Ors** [AIR2012SC1386]

A year after the aforementioned observation was made by the Honb’ble Supreme Court of India, the issue relating to environmental degradation arising out of sand mining was raised before the Hon’ble National Green Tribunal, New Delhi on 5th August, 2013 by the National Green Tribunal Bar Association. The Applicants, inter alia, contended that the large scale illegal and impermissible mining activity going on, on the bank of the Yamuna, Ganga, Chambal , Gaumti and Revati rivers amongst othersis causing serious threat to the flow of the river , forests upon the bank of the rivers and most seriously to the environment of these areas.

On hearing the submissions made by Senior Advocate Mr. Raj Panjwani, appearing on behalf of the National Green Tribunal Bar Association and on being satisfied that the issue raised falls within the ambit and the scope of Schedule 1 of the National Green Tribunal Act, 2010, the Hon’ble Tribunal was pleased to admit the matter and issue notice to all the Respondents.

In the interim, the Hon’ble National Green Tribunal has restrained 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 the MoEF/SEIAA and license from the competent authority. Further, the Deputy Commissioners, Superintendent of Police and mining authorities of the respective states are directed to ensure compliance thereof.

- *Case Update by Trust Legal in the matter titled as National Green Tribunal Vs Ministry of Environment & Forest & Ors. before the Hon’ble National Green Tribunal, New Delhi*