

Item No. 05

**BEFORE THE NATIONAL GREEN TRIBUNAL
CENTRAL ZONE BENCH, BHOPAL
(Through Video Conferencing)**

**Original Application No.132/2024(CZ)
(O.A.No.507/2024 - PB)**

News item titled “रेत का अवैध उत्खनन कर परिवहन करने वालों पर ताबड़तोड़ एक्शन, विभाग को जुर्माने से हुई इतने लाख की कमाई” appearing in Khabar 36 Media dated 04.03.2024

...Suo Moto

Date of Hearing: **13.08.2024**

**CORAM: HON'BLE MR. JUSTICE SHEO KUMAR SINGH, JUDICIAL MEMBER
HON'BLE DR. A SENTHIL VEL, EXPERT MEMBER**

For Applicant (s): None

For Respondent(s): Mr. Prashant Sthapak, Adv.
Mr. Om Shankar Shrivastava, Adv.
Ms. Shoeb H. Khan, Adv.

ORDER

1. This Original Application is registered suo-motu on the basis of the news item titled “रेत का अवैध उत्खनन कर परिवहन करने वालों पर ताबड़तोड़ एक्शन, विभाग को जुर्माने से हुई इतने लाख की कमाई” appearing in Khabar 36 Media dated 04.03.2024.
2. The matter relates to the alleged illegal mining taking place in Bilaspur, Chhattisgarh. As per the article, the joint team of Mineral, Police, Environment and Revenue Department together took action on 95 cases, which yielded revenue of Rs 26 lakh, while 18 crusher mines in the district were sealed for violating environmental norms.

3. The above news item indicates violation of the Sand Mining Guidelines, 2016 and the provisions of Environment Protection Act, 1986.
4. The matter was taken up by this Tribunal and notices were issued to Respondents / CPCB and CECB. In compliance thereof reply has been filed.
5. Heard the arguments and perused the record.
6. Learned Counsel for the CPCB has submitted that under provisions of the Mines and Minerals (Development and Regulation) Act 1957, the States are empowered to make rules for regulating the grant of prospecting mining licenses or mining leases in respect of minor minerals and making rules for preventing illegal mining, transportation and storage of minerals. As per the provision of 23(C) of Mines and Minerals (Development and Regulation) Act (MMDR Act), the State Government is empowered to make rules for preventing illegal mining, and transportation & storage of illegal minerals. All such mining which are illegal can be dealt with in the provision of the Mines and Minerals (Development and Regulation) Act (MMDR) Act by the concerned authorities and that MoEF&CC has issued "Sustainable Sand Mining Management Guidelines 2016" to promote scientific mining of sand and encourage environment friendly management practices. Further, for enforcement of the regulatory provisions related to river sand mining for effective monitoring and ensuring sustainable sand mining, MoEF&CC has issued "Enforcement and Monitoring Guidelines for Sand Mining- in January 2020.
7. It is further argued that the order of this Tribunal passed in O.A. No. 360/2015 namely National Green Tribunal Bar Association vs. Virendra Singh State of Gujarat, a recommendation has been made for

- compensation in cases of illegal mining and the same has been notified by the CPCB and directions have been issued to the authorities concerned/State PCB.
8. The Chhattisgarh Environment Conservation Board has submitted that, Mining Officer, Office of the Collector (Mineral Branch), District-Bilaspur (Chhattisgarh) vide letter dated 09.07.2024 responded to the aforementioned letter wherein it was stated that, a total of 19 cases were registered under the jurisdiction of District Bilaspur for illegal mining of minerals, wherein a total of INR 12,35,976/- were recovered from the offenders. It is further stated that another 73 cases of illegal transportation were registered and out of which 52 are disposed off by imposing penalties to the tune of INR 11,98,322/- under the provisions of Sections 21 and 23(a) of the Mines and Minerals (Development and Regulation) Act, 1957 and 6 cases of illegal storage of minerals, wherein a INR 2,54,400/- was recovered.
 9. Details of the cases registered against the illegal mining, transportation of illegal mining, storage and other matters have been attached with reply submitted by the CECB. After perusal of the report and hearing the arguments, we are of the view that the State Authorities are taking proper care and having strict vigil on the illegal mining and transportation of illegal mining and actions are being taken by the authorities concerned. The perusal of the chart further reveals that environment compensation by means of penalty, have been realised and deposited to the State exchequer.
 10. In view of the above facts, it is not desirable to further proceed in the matter. However, we direct the CECB and the Mining Department to

regularly monitor the illegal mining and to enforce the Sustainable Sand Mining Management Guidelines 2016 and Enforcement and Monitoring Guidelines for Sand Mining 2020 in letter and spirit and in case of violation strict action should be taken according to rules.

With these observations, the Original Application No. 132/2024 (CZ) stands **disposed** of.

Sheo Kumar Singh, JM

Dr. A Senthil Vel, EM

13th August, 2024
O.A. No. 132/2024(CZ)
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