

BEFORE THE HON'BLE NATIONAL GREEN TRIBUNAL

PRINCIPAL BENCH, NEW DELHI

Original Application No. 513 of 2019

BETWEEN

Mohd. Imran Khan Kadri, Muslim Rashtriya Manch ..... Applicant(s)

Versus

State of Bihar ..... Respondent(s)

**“Joint Factual and Action Taken Report” in Compliance with the Order Dated 5-08-2019, passed by the Hon’ble Tribunal, Principal Bench, New Delhi.**

1. Whereas, the Hon’ble NGT, Principal Bench, New Delhi, passed an order in O.A. No. 513/2019, directing Bihar State Pollution Control Board (BSPCB); the District Magistrate, Aurnagabad; and the District Magistrate, Rohtas to look into the matter and take appropriate action in accordance with law and furnish a joint factual and action taken report in the instant matter.
2. Whereas, BSPCB, as nodal agency coordinated for compliance with the other two members, viz., the District Magistrate, Aurnagabad and the District Magistrate, Rohtas and constituted a committee to comply with their order dated 5-08-2019 of the Hon’ble Tribunal in the instant matter.

3. Whereas, the committee, so constituted, conducted an inspection on 02-09-2019 of Balu/Sand mining ghats of M/S Aditya Multicon Pvt. Ltd., located on the sone river in the Districts of Aurangabad & Rohtas.
4. Whereas, the inspecting team, inspected the Balu ghats, in question, to look into the allegations levelled by the applicant.
5. Whereas, during inspection of the Balu ghats, compliance of the conditions imposed in the Environmental Clearance, could not be ascertained due to rainy season and the ghats, having been submerged in water, the pillars demarcating sand ghats were also not visible. The heavy earth moving machines in the river was also not visible. The concrete dam, alleged to have been constructed in the river to change the direction of the river flow, was not found to be true, in the sense that a barrage was constructed long back to feed the canal system for irrigation, any other dam could not be found. Mechanical excavators/loaders and trucks were observed parked near the sand stocks. During transportation of sand, tarpaulin covered vehicles were being used from sand storage yard and onwards but there was no mining activity.
6. Whereas, by way of Mitigative Measures, Task Forces were constituted made in the concerned districts to conduct random raids to prevent illegal mining. Several raids were conducted, accompanied by filing of F.I.R,

seizure of vehicles and imposition of penalty, as has been submitted and detailed through the Report, annexed.

7. Whereas, the Joint Committee after inspection has made certain recommendations also, which have been detailed in the report, annexed.
8. Whereas, the inspecting team finally observed that for complete verification of the alleged facts, pre-monsoon or post-monsoon season could be the best time.

The humble 'Joint Factual and Action Taken Report' prepared by the inspecting team may graciously be accepted by the Hon'ble Tribunal for which the respondents under reply shall ever pray.

*Alok Kumar*  
Member Secretary  
Bihar State Pollution Control Board  
Patna

Member Secretary  
Bihar State Pollution Control Board

The 5<sup>th</sup> day of September, 2019.

## Joint Factual and Action Taken Report

In the matter of O.A. No. 513/2019- Md. Imran Khan Kadri vs State of Bihar-in compliance with the order dated 05.08.2019 by Hon'ble National Green Tribunal Principal Bench, New Delhi.

**Date of Inspection: 02 September, 2019**

In compliance with the order dated 05.08.2019 by the Hon'ble National Green Tribunal (NGT), Principal Bench, New Delhi passed in the matter of O.A. No. 513/2019 (EZ)- Mohd. Imran Khan. Kadri, Muslim Rashtriya Manch vs. State of Bihar, a team was constituted by Bihar State Pollution Control Board for joint inspection of Balu/Sand mining ghats of M/s Aditya Multicom Pvt. Ltd, Located on the Sone river in the district of Aurangabad and Rohtas vide its letter No. 983, dated 28.08.2019. The team comprised of representative of the District Magistrate, Aurangabad and Rohtas and Bihar State Pollution Control Board (BSPCB). Members of the joint inspection team were as follows:

- |   |  |                          |
|---|--|--------------------------|
| 1 | The District Magistrate, Aurangabad, Sri Rahul Ranjan Mahiwal  | Member                   |
| 2 | District Magistrate, Rohtas represented through Sri Vikash Paswan, Assistant Director, District Mining Officer, Rohtas | Member                   |
| 3 | Bihar State Pollution Control Board, represented through the R.O., Sri Ashish Kumar Gupta                              | Member<br>(Nodal Agency) |

The aforesaid committee was assisted by Sri Mukesh Kumar, District Mineral Development Officer, Aurangabad and Sri R.U Mahto, Assistant Environmental Engineer, BSPCB, Patna.

**The inspection team inspected the issues alleged as follows:**

- i) Illegal sand mining by using heavy earth moving machine inside the river.
- ii) Damaging the ecology of the river.
- iii) Use of heavy trucks causing air pollution.
- iv) Alleged existence of concrete dam to change the direction of the River

**Introduction of the Sone River:**

Sone River (also spelt as Son) is the second largest southern tributary of the Ganges next to Yamuna River. The Sone originates near Amarkantak in Madhya Pradesh. The Sone enters the state of Bihar at the tri-junction of Palamu (Jharkhand), Mirzapur (U.P.) and Rohtas (Bihar).

The Sone has a steep gradient with quick run off and ephemeral regimes, becoming a roaring river with the rain-waters in the catchment area but turning quickly into a fordable stream. The Sone, being wide and shallow, leaves lots of sand and disconnected pools of water in the remaining parts of the year.

**Inspection:**

The team conducted inspection of different sand mining ghats being operated by M/s Aditya Multicom Pvt. Ltd. in the districts of Aurangabad and Rohtas alongwith Mr. Pankaj Kumar company's representative. Sand mining ghats viz. Keshav Balu ghat, Aurangabad; Shekhpura Balu ghat, Aurangabad; Daudnagar 'A' Balu ghat, Aurangabad; Daudnagar 'B' Balu ghat, Aurangabad; Kera 'A' Balu ghat, Aurangabad; Kera 'B' Balu ghat, Aurangabad and Dalmiyanagar, Balu ghat, Rohtas were visited.

**Findings of the inspection team:**

- i) Sand mining was not being carried out at any site as it is rainy season and mining activities are closed in compliance with Hon'ble NGT direction.
- ii) Water was flowing in the river and mining ghats were submerged under water and therefore the river-bed was invisible.
- iii) Pillars, demarcating sand ghat for which EC was granted, were not visible, may be due to the high level of water in the river.
- iv) The allegation that mining by using heavy earth machine inside the river was being done, could not be observed due to absence of mining activity at present.
- v) The alleged dam in question having been constructed in the river to change the direction of the river flow, was not verified to be true, as Indrapuri Barrage was constructed long back to feed the canal system for irrigation purpose. Any other dam-structure could not be found.
- vi) Sand stock was kept beside the river. Beside the stocks, mechanical excavators/loaders and trucks were observed parked. Local people involved in sand mining, told that excavators were used for sand stocking and loading on trucks/tractors for transportation to other places.
- vii) The sand from sand storage yard was being transported with tarpaulin covered vehicle (Trucks/tractors). But during visit it was observed that sand was being transported by some tractors without tarpaulin cover in between Daudnagar and Barun of Aurangabad District.
- viii) Tree plantation along the ghat roads was not observed.

**Mitigative measures:**

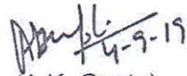
- i) There are task force committees in the concerned districts. These committee frequently conduct joint inspection to stop illegal mining. Random raids are frequently carried out for prevention of illegal mining.
- ii) In Aurangabad & Rohtas districts during 1<sup>st</sup> April to 31<sup>st</sup> August, 2019. Total numbers of Raids, FIRs, number of seized vehicles & penalty collected to prevent illegal mining is given below:

Sl. No.		Aurangabad	Rohtas
1	Raids	303	262
2	FIR	12	14
3	No. of seized vehicles	442	978
4	Penalty collected	104.16 Lakh	266.59 Lakh

- iii) There are check posts to check the vehicles, carrying sand.
- iv) Water spraying is done by water tankers;
- v) Over loading of vehicles is checked, to stop spillage of sand on the roads. Fines are levied from the overloaded vehicles. If fines are not paid, FIRs are registered against the siezed vehicles, drivers/owners of the vehicles.
- vi) Sand is transported with tarpullin covered vehicles to check the spillage of sand.

**Recommendations:**

- i) Project proponent to be directed not to start mining before getting the mining sites pillared and duly verified by the local authority with GPS tagging.
- ii) Project proponent should engage suitable qualified personnel in the field of environment who can understand the conditions of EC/mine plan and implement them in the field/ground level. The project proponent should study the EC & Mine plan thoroughly so that its condition / commitment are implemented in field/ground.
- iii) Frequency of water spraying by tankers on sand storage yards and roads should be increased.
- iv) Project proponent to be directed to follow the EC and other statutory conditions during mining operations.
- v) Project Proponent to carry out post-monsoon river replenishment studies.
- vi) A study on reasons for depletion of underground water level can be carried out with the help of the Central Ground Water Authority.
- vii) For proper study, the mining sites should be verified/checked in either pre-monsoon or post-monsoon period.

  
(A.K. Gupta)

Regional Officer, BSPCB,  
Patna

(Sri Pankaj Dixit)

District Magistrate, Rohtas

  
(Sri Rahul Ranjan Mahiyal)

District Magistrate, Aurangabad

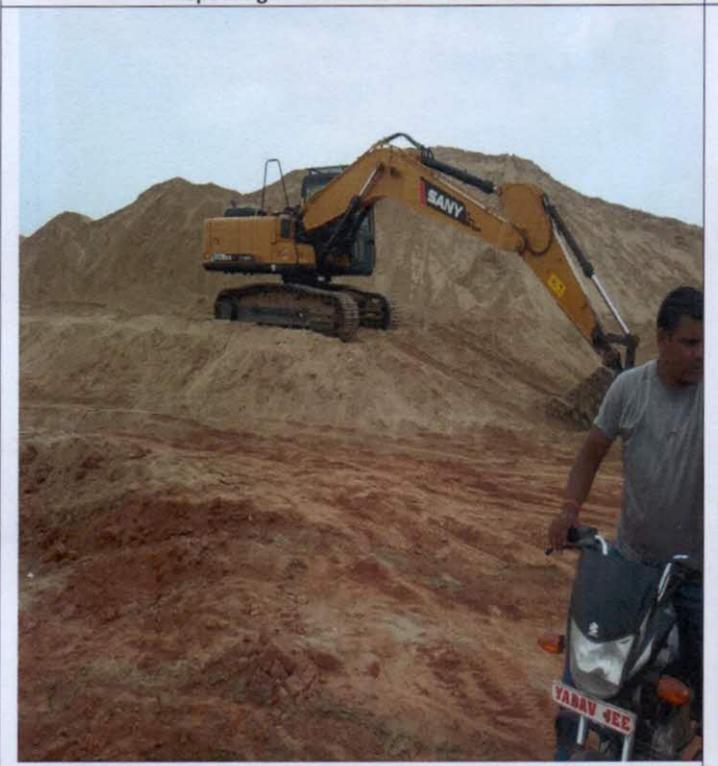
\* D.M. Rohtas could not put his signature due to his non-availability on 05.09.19, therefore, this advance copy.



Inspecting team at Keshav Balu Ghat.



Mechanical Excavator/ loaders and trucks at Sand Stock of Keshav Balu Ghat.



Sand Stock at Shekhpura, Balu Ghat, Aurangabad.

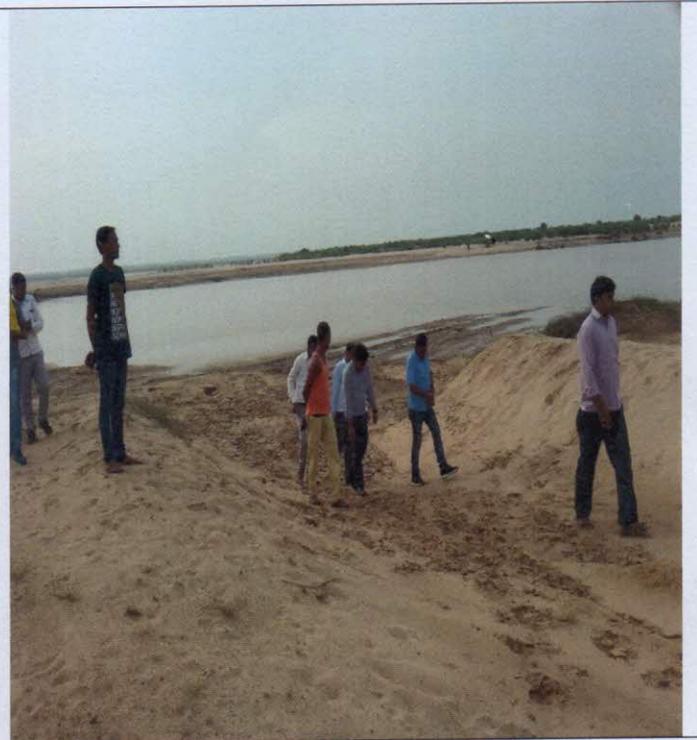


Dalmiya Nagar, Balu Ghat, Rohtas

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Kera 'B' Balu Ghat, Aurangabad



Kera 'B' Balu Ghat, Aurangabad



Conversion with local people of village Kera, Aurangabad



Conversion with local people.

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