

CJ

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To "Sh. RAJA CHATTERJEE Registrar" <registrarngt-kolkata@gov.in>, "Judicial Section" <ngtjudicial-kolkata@gov.in>

Respected Sir/Madam,

I am directed to forward a copy of the **Petition & Order dated 25/07/2024 passed in Original Application No. 919/2024 News Item titled "Barricade illegal sand mining pose threat to WGH riverbank" appearing in The Shillong Times dated 29.06.2024** . for your kind perusal & necessary action.

भवदीय / Regards

परामर्शदाता (न्यायिक) / Consultant (Judicial)

राष्ट्रीय हरित अधिकरण / National Green Tribunal

प्रधान न्यायपीठ / Principal Bench

नई दिल्ली / New Delhi - 110001



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MEGHALAYA

Barricade, illegal sand mining pose threat to WGH riverbank

By: From Our Correspondent June 29, 2024

From Our Correspondent

TURA, June 28: Residents of Chibinang in West Garo Hills (WGH) have recently been spending sleepless nights due to the continued erosion of the banks of the Rongai Valley project as the water of the Rongai River continues to make inroads by taking away more and more soil every time the river is in full spate.

All this, as per locals, is taking place due to a barricade that has been placed in the middle of the river near where the main dam of the project was envisioned many decades ago.

Further, uncontrolled and illegal sand mining from the same river has also posed a similar threat even as residents grapple with the ongoing monsoon.

The Rongai River originates in the upper reaches of West Garo Hills before joining the Jinjiram River, which further joins the mighty Brahmaputra River.

A visit to the site showed many sections of the bank, on both sides, already suffering from erosion. Large chunks of land have been washed away.

"We have no idea as to why the iron barricade that has been placed there has not been removed even after decades. Every year, due to this barricade, the flow of the river is disturbed and it puts huge pressure on the banks nearby. This has led to erosion. A lot of land has already been lost and if something is not done quickly, we are awaiting a catastrophe," said local resident, Amit Marak.

The barricade, as can be seen in the picture, has created an artificial island as no water has been flowing beyond it. If the natural flow of the water had been maintained, the residents contended, the flow of water would have been smoother and less dangerous to those who live nearby. Erosion could have been stopped with just a few measures.

"We have approached various agencies of the government to seek a solution to the yearly erosion. A project had also been sanctioned and a little bit of work was carried out. However, that has not really helped much in terms of saving the banks from erosion mainly due to the iron barricade that has been placed and never taken out," said another resident, G Sanyasi.

Residents have now demanded that a project to create an embankment to protect the banks of the river needed to be taken up urgently. Further they, also demanded the immediate removal of the barricade from the middle of the river.

"We also want the embankment project to be taken up seriously and widened to protect the river banks. This will protect not only the bank but also the thousands of houses that are placed just by the side of the river.

"Following the 2014 cloud burst, a need was felt to protect the Rongai Valley project as well as the banks of the river. However, whatever was sanctioned was not enough and is now lost due to the banks flooding every year during rains. A permanent solution to the problem needs to be worked on. Somehow, we, as Chibinang residents, have always been amongst the neglected lot," added another resident.

Further, they also questioned the lack of government support for their cause to ensure the banks of the river did not erode further.

Meanwhile, another resident pointed to the continuing illegal sand mining undertaken by some locals that has also added to the woes being faced by the river and its banks. The illegal sand mining is being carried out without any sort of consent from either the GHADC or the state forest and is being carried out by some locals with tacit support.

"This illegal sand mining has to be stopped with immediate effect as it is putting a lot of pressure on the river itself. As to why such acts are being allowed with such impunity is beyond our understanding. Everyone who is allowing this should question themselves," felt another resident.

**BEFORE THE NATIONAL GREEN TRIBUNAL
PRINCIPAL BENCH, NEW DELHI**

Original Application No. 919/2024

News Item titled "Barricade illegal sand mining pose threat to WGH riverbank" appearing in The Shillong Times dated 29.06.2024

Date of hearing: 25.07.2024

**CORAM: HON'BLE MR. JUSTICE PRAKASH SHRIVASTAVA, CHAIRPERSON
HON'BLE MR. JUSTICE ARUN KUMAR TYAGI, JUDICIAL MEMBER
HON'BLE DR. A. SENTHIL VEL, EXPERT MEMBER**

ORDER

1. This Original Application is registered *suo-motu* on the basis of the news item titled "Barricade illegal sand mining pose threat to WGH riverbank" appearing in The Shillong Times dated 29.06.2024.

2. The matter relates to the erosion of the banks of Rongai Valley project in Chibinang in West Garo Hills, Meghalaya. As per the article, the water of the Rongai River continues to make inroads by taking away more and more soil every time the river is in full flow. The article alleges that this is taking place due to a barricade that has been placed in the middle of the river near the place where the main dam of the project was envisioned many decades ago. Furthermore, uncontrolled and illegal sand mining from the same river has also contributed to the problem

3. The news item asserts that large chunks of land have been washed away along the banks. It is stated that every year, due to this barricade, the flow of the river is disturbed and it puts huge pressure on the banks nearby. This has led to erosion and loss of land. The article claims that

the barricade has created an artificial island as no water has been flowing beyond it. It states had the natural flow of the water been maintained, the flow of water would have been smoother and less dangerous to those who live nearby. Erosion could have been stopped with just a few measures. The article also highlights the continuing illegal sand mining taking place in the river putting a lot of pressure on the river.

4. The above news item indicates violation of the provisions of the provisions of Water (Prevention and Control of Pollution) Act, 1974; Environment Protection Act, 1986 and the Sustainable Sand Mining Guidelines, 2016.

5. The news item raises substantial issue relating to compliance of the environmental norms and implementation of the provisions of scheduled enactment.

6. Power of the Tribunal to take up the matter *suo-motu* has been recognized by the Hon'ble Supreme Court in the matter of "*Municipal Corporation of Greater Mumbai vs. Ankita Sinha & Ors.*" reported in 2021 SCC Online SC 897.

7. Hence, we implead the following as respondents in this matter:

- i. Central Pollution Control Board, Through its Member Secretary
Parivesh Bhawan, East Arjun Nagar, Delhi-110032
- ii. Meghalaya State Pollution Control Board, Through its Member
Secretary
"ARDEN", Lumpyngngad, Shillong – 793 014, Meghalaya
- iii. Ministry of Environment, Forest and Climate Change, Through
its Regional Office

Integrated Regional Office, Law-U-Sib, Lumbatngen, Near MTC
Workshop, Shillong

iv. Deputy Commissioner, West Garo Hills

Office of the Deputy Commissioner, Dist: West Garo Hills,
Meghalaya Pin: 794001.

8. Issue notice to the respondents for filing their response before the appropriate bench of the Tribunal at least one week before the next date of hearing.

9. Since the matter relates to the Eastern Zonal Bench, Kolkata, therefore, OA is transferred to the Eastern Zonal Bench for appropriate further action. Let the original record of this OA be transferred to the Eastern Zonal Bench, Kolkata.

10. List before Eastern Zonal Bench at Kolkata on 24.09.2024.

Prakash Shrivastava, CP

Arun Kumar Tyagi, JM

Dr. A. Senthil Vel, EM

July 25, 2024
O.A. No. 919/2024
HB