



**BEFORE THE NATIONAL GREEN TRIBUNAL
EASTERN ZONE BENCH, KOLKATA
IN THE MATTER OF:**

Original Application No. 136/2024/EZ

**RE: NEWS ITEM TITLED SHREE BANSHEEDHAR NAGAR DIN KE UJALE ME HO
RAHA BALU KA AVAIDH KHANAN PRASHASHAN KHAMOSH APPEARING IN
NAVBHARAT TODAY DATED 08.03.2024**

INDEX

Sl. No.	Particulars	Page No.
1.	Committee Report filed by Deputy Commissioner, Garhwa, Government of Jharkhand.	1 - 3
2.	Verification	4
3.	Annexure - A	5 - 15

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BEFORE THE NATIONAL GREEN TRIBUNAL**EASTERN ZONE BENCH, KOLKATA****IN THE MATTER OF:****Original Application No. 136/2024/EZ****RE: NEWS ITEM TITLED SHREE BANSHEEDHAR NAGAR DIN KE UJALE ME HO RAHA BALU KA AVAIDH KHANAN PRASHASHAN KHAMOSH APPEARING IN NAVBHARAT TODAY DATED 08.03.2024****COMMITTEE REPORT FILED BY DEPUTY COMMISSIONER, GARHWA, GOVERNMENT OF JHARKHAND (i.e. RESPONDENT NO. 4 HEREIN).**

I, Shekhar Jamuar, son of Late A.S. Jamuar, aged about 58 years, by Religion - Hinduism, by Occupation - Service under the State Government of Jharkhand in the office of Deputy Commissioner, Garhwa, Government of Jharkhand, having its office at Garhwa, Jharkhand, do hereby solemnly affirm and state as follows:

1. That, I am the Deputy Commissioner, Garhwa, Government of Jharkhand, and I am aware of the facts and records in the instant case and have gone through the allegations and contentions in the Original Application as such I am competent to make and affirm the instant Affidavit.
2. That, I am a law-abiding Citizen of India and very much respect the Constitution and Judicial System of India.
3. That in pursuance and compliance to the order dated 02.08.2024 passed by the Hon'ble Tribunal, the inspecting committee comprising of the following members visited and inspected the site on 24.12.2024:



- a. Shri Kumar Manibhushan, Environmental Engineer – Cum – Regional Officer, JSPCB Regional Office, Ranchi;
- b. Shri Sandeep Roy, Scientist – 'D', CPCB Regional Directorate, Kolkata;
- c. Shri Raj Maheshwaram, Additional Collector, Garhwa, Jharkhand;
- d. Shri Kirti Avishek, Member, SEIAA, Jharkhand;
- e. Sri Rajendra Oraon, District mining Officer, Garhwa;
- f. The Circle Officer, Dhurki, Garhwa.

4. That the said inspection committee members carried out the inspection of the site and on basis of the said site inspection, the committee came up to the following recommendation on 24.12.2024:

- i. *Forest Department to establish check post near the forest pathway;*
- ii. *District Mining Officer, Garhwa, Jharkhand to organise Meeting with the District Mining officer, Balrampur, Chhattisgarh to have a check on the illegal sand mining activity, if any as it is a border area of both the states;*
- iii. *Forest Department to dug trench across the forest pathways to avoid the chances of illegal sand mining;*
- iv. *Concerned Circle Officers, local police station and Forest department to organize meeting with local Mukhiya / Panchayat representatives / villagers for providing information w.r.t. illegal sand mining activity and movement of elephants;*
- v. *The District Mining Task Force, Garhwa to increase the frequency of random raids to curb the possibility of illegal sand mining.*

A photocopy of the said Inspection Report dated 24.12.2024 is annexed herewith and marked as Annexure - A.

X

5. That, this Affidavit is filed bonafide and in the interest of justice. It is therefore prayed that Your Lordships, may kindly be pleased to accept the instant affidavit.
6. I state that the statements contained in paragraphs Nos. 1 to 2 are true to my knowledge, the statements contained in paragraph Nos. 3 and 4 are true to my information derived from the official records of the case, which I verily believe to be true and the rest is/are my respectful submissions before this Hon'ble Tribunal.

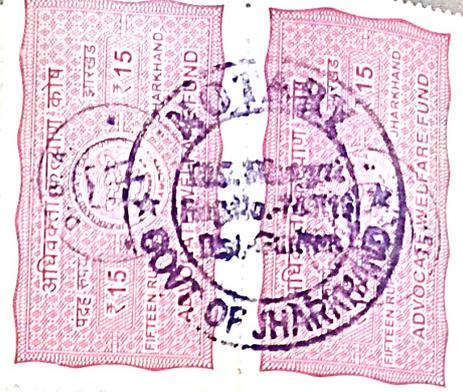
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4/3/25
सपायुक्त
गढ़वा



X

VERIFICATION

Case No. 93... SI.No. 2395 04/3/25



I, Shekhar Jamuar, son of Late A.S. Jamuar, aged about 59 years, by Religion - Hinduism, by Occupation - Service under the State Government of Jharkhand in the office of Deputy Commissioner, Garhwa, Government of Jharkhand, having its office at Garhwa, Jharkhand, and that I am dealing with the connected records of the case in possession of the office of Deputy Commissioner, Garhwa, Government of Jharkhand.

Date:

Place:

Signature
4/3/25
वपयुक्त
पदवा

Identified by me:

Advocate
4/3/25

Signature
04/3/2025
UJARI
U.C. Dhoga
Dist. Garhwa



ANNEXURE - A**REPORT OF THE JOINT COMMITTEE**

In compliance with the
Order dated 14/05/2024 of the
Hon'ble National Green Tribunal (NGT),
Principal Bench (PB), New Delhi
and

Order dated 02/08/2024 of the Hon'ble
National Green Tribunal Eastern Zone
Bench, Kolkata

In O.A. No. 136/2024/EZ
(Earlier O.A. No. 522/2024/PB)

In the matter of

News item titled “श्री बंशीधर नगर दिन के
उजाले में हो रहा बालू का अवैध खनन प्रशासन
खामोश” appearing in Navbharat Today
dated 08.03.2024

February, 2025

1. Introduction

1.1 With reference to the news item related to the alleged illegal sand mining taking place in Shree Banshidhar Nagar, Jharkhand. This Original Application is registered *suo-motu* on the basis of the news item titled “श्री बंशीधर नगर दिन के उजाले में हो रहा बालू का अवैध खनन प्रशासन खामोश” appearing in ‘Navbharat Today’ dated 08.03.2024. As per the article, despite the government’s ban on sand mining, illegal sand mining is going on in full swing in broad daylight in Dhurki. The article alleges that the sand mining on the banks of Kanhar river goes on all day long. It further alleges that the sand mafia has even made proper roads with JCB machines in the forest to reach the sand ghat in Kanhar river. The article states that sand is then loaded on tractors and dumped in nearby villages. It claims that in Dhurki, about 200 tractors of sand is illegally mined every day from the various ghats of Kanhar River. This news item was taken *Suo moto* and registered as O.A. No.522/2024 (Presently O. A. No. 136/2024/EZ) the Hon’ble National Green Tribunal, Principal Bench, New Delhi had passed an order dated 14/05/2024 (Copy of the order dated 14/05/2024 passed by the Hon’ble NGT, PB, New Delhi in the present matter is attached as Annexure – ‘A’).

1.2 Direction of the Hon’ble NGT, PB vide order dated 14/05/2024

The Hon’ble NGT, PB, New Delhi vide its order dated 14/05/2024 in O. A. No. 522/2024 in the matter of News item titled “श्री बंशीधर नगर दिन के उजाले में हो रहा बालू का अवैध खनन प्रशासन खामोश” appearing in Navbharat Today dated 08.03.2024 has registered the Original Application *suo moto* and has directed as under: -

“2. The news item relates to the alleged illegal sand mining taking place in Shree Banshidhar Nagar, Jharkhand. As per the article, despite the government’s ban on sand mining, illegal sand mining is going on in full swing in broad daylight in Dhurki. The article alleges that the sand

mining on the banks of Kanhar river goes on all day long. It further alleges that the sand mafia has even made proper roads with JCB machines in the forest to reach the sand ghat in Kanhar river. The article states that sand is then loaded on tractors and dumped in nearby villages. It claims that in Dhurki, about 200 tractors of sand is illegally mined everyday from the various ghats of Kanhar River.

3. The above news item indicates violation of the Sand Mining Guidelines, 2016 and the Environment Protection Act, 1986.

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

5. 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 2021SCC Online SC 897.

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

(i) Jharkhand State Pollution Control Board, Through its Member Secretary, H.E.C. Dhurwa, Ranchi-834004.

(ii) Central Pollution Control Board, through its Member Secretary, Parivesh Bhawan, East Arjun Nagar, Delhi-110032.

(iii) Ministry of Environment, Forests and Climate Change, Regional Office (ECZ), Bunglow No. A-2, Shyamali Colongy, Ranchi - 834002.

(iv) Collector & District Magistrate, Shree Bansdidhar Nagar, Garhwa Collectorate Building, Garhwa - 822114.

7. Let notice be issued to the above Respondents for filing their response before the Eastern Zonal Bench of the Tribunal.

8. 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.

1.3 Direction of the Hon'ble NGT, EZB vide order dated 02/08/2024

In light of the Hon'ble NGT, PB, New Delhi order dated 14/05/2024 in O. A. No. 522/2024 the matter was transferred to the Hon'ble NGT, EZB, Kolkata and has been re-numbered as Original Application No.136/2024/EZ. The Hon'ble NGT vide its order dated 02/08/2024 has directed as under: -

"5. Thereafter, the Original Application was transferred to the Eastern Zone Bench, Kolkata of National Green Tribunal vide order dated 14.05.2024 and has been re-numbered as Original Application No. 136/2024/EZ.

6. We find that since the matter relates to allegation of illegal sand mining at Banshidhar Nagar, District Garwah, SEIAA, Jharkhand is therefore a necessary party in this case. We, accordingly direct State Environment Impact Assessment Authority (SEIAA), Jharkhand to be impleaded in the array of Respondents as Respondent No.5.

7. Considering the allegations made, we deem it appropriate to constitute a fact finding Committee comprising of the following Members: -

(i) Senior Scientist, Jharkhand State Pollution Control Board;

(ii) Senior Scientist, Central Pollution Control Board;

(iii) District Magistrate, Shree Banshidhar Nagar, Garhwa or his representative not below the rank of Additional District Magistrate; and

(iv) Senior Scientist, SEIAA, Jharkhand.

8. The Committee shall visit the site in question and submit its report on affidavit within four weeks.

9. The District Magistrate, Shree Banshidhar Nagar, Garhwa, shall be the Nodal Office for all logistic purposes and for filing the Report of the Committee on affidavit.

Copy of the order dated 02/08/2024 passed by the Hon'ble NGT, EZB, Kolkata in the present matter is attached as **Annexure – 'B'**.

1.4 Constitution and Meeting of Fact Finding Committee

In compliance with the Order dated 02/08/2024 of the Hon'ble NGT, EZB, Kolkata Fact Finding Committee comprising of the following members was constituted: -

- a) Shri Kumar Manibhushan, Environmental Engineer – Cum – Regional Officer, JSPCB Regional Office, Ranchi.
- b) Shri Sandeep Roy, Scientist – 'D', CPCB Regional Directorate, Kolkata.
- c) Shri Raj Maheshwaram, Additional Collector, Garhwa, Jharkhand.
- d) Shri Kirti Avishek, Member, SEIAA, Jharkhand.

In compliance with the Order dated 02/08/2024 of the Hon'ble National Green Tribunal Eastern Zone Bench, Kolkata in O. A. No. 136/2024/EZ the Joint Committee has done a meeting through video conference on 12/12/2024 to finalize the date of site visit by the Fact Finding Committee as the site visit could not be undertaken on the previously fixed date 10/12/2024, the Minutes of Meeting (MoM) of the said meeting issued vide Memo No. 972/M dated 14/12/2024 is attached as **Annexure – 'C'**. In the said meeting the following decisions were taken: -

- 1) The Committee shall reach Garhwa by the evening of 23/12/2024 and then on 24/12/2024 the site visit of the area in question shall be undertaken by the Fact Finding Committee.
- 2) District Administration, Garhwa to arrange the logistics for the Committee at Garhwa.

2. Site Visit

2.1 The Fact Finding Committee has conducted the site visit on 24/12/2024 for ascertaining the correctness of the facts disclosed in the said news item that related to the alleged illegal sand mining taking place in Shree Banshidhar Nagar, Jharkhand. As per the article, despite the government's ban on sand mining, illegal sand mining is going on in full swing in broad daylight in Dhurki. The article alleges that the sand mining on the banks of Kanhar river goes on all day long. It further alleges that the sand mafia has even made proper roads with JCB machines in the forest to reach the sand ghat in Kanhar river. The article states that sand is then loaded on tractors and dumped in nearby villages. It claims that in Dhurki, about 200 tractors of sand is illegally mined everyday from the various ghats of Kanhar River. The Fact Finding Committee undertook visit to the site in question, interacted with the local Administration, villagers, stakeholders etc. The Team comprised of the following officials: -

- a) Shri Kumar Manibhushan, Environmental Engineer – Cum – Regional Officer, JSPCB Regional Office, Ranchi.
- b) Shri Sandeep Roy, Scientist – 'D', CPCB Regional Directorate, Kolkata.
- c) Shri Raj Maheshwaram, Additional Collector, Garhwa, Jharkhand.
- d) Shri Kirti Avishek, Member, SEIAA, Jharkhand.
- e) Sri Rajendra Oraon, District mining Officer, Garhwa.
- f) The Circle Officer, Dhurki, Garhwa.

2.2 Field Visit

The Fact Finding Committee as constituted by the Hon'ble National Green Tribunal has visited the site in question on 24/12/2024 along with the local administration and the following was observed: -

- a) At Dhurki there is no direct pucca / concrete road that would lead to Kanhar River.
- b) Kanhar river lies to the south of the main road (Nagar Utari Dhurki - Chiniya Road) at an aerial distance of approx. 2 kms.

- c) Multiple in-roads (2-3) going towards the Kanhar River from the main road passing through the agriculture land and thickly forest land have been made.
- d) The haul road leading to the ghats was a non - motorable road and it was approx 2 km walk for reaching the site.
- e) These haul roads are quite wide near the main road but become narrow on moving towards the Kanhar River through the forest land and no four-wheeler could move beyond a certain point (approx. 400 m south of the main road) through these roads.
- f) On moving further south (approx. 300 m) towards the Kanhar river, depressions and marks found on sand roads indicate the possibility of transport vehicles being passed through these roads. Due to the movement of transport vehicles significant depressions were formed on these in-roads.
- g) During inspection no tractor was found carrying sand in the in-roads towards Kanhar River or even in Banshidhar Nagar. But the marks / depressions observed on the roads indicate that transportation was carried out on these roads.
- h) At a point near the haul road around 200 CFt sand was found stocked in the area.
- i) The area in question Kanhar River is the Border between two states of Jharkhand (Garhwa District) and Chhattisgarh (Balrampur District).
- j) In the River Kanhar it seemed that around 1400-1500 CFt of sand was excavated.
- k) There was a samshan ghat located near the bank of the river Kanhar.
- l) The local villagers who have gathered over there said that the haul roads are used by the villagers for going to the samshan ghat and the local people use sand of the river for construction purpose.
- m) The local villagers and the district administration informed that the area is also an elephant corridor.

3. Recommendations

3.1 Based on the observations made by the Fact Finding Committee during the Site Visit which was conducted on 24/12/2024 the following recommendations are being made: -

- a) Forest Department to establish check post near the forest pathway.
- b) District Mining Officer, Garhwa, Jharkhand to organise Meeting with the District Mining officer, Balrampur, Chhattisgarh to have a check on the illegal sand mining activity, if any as it is a border area of both the states.
- c) Forest Department to dug trench across the forest pathways to avoid the chances of illegal sand mining.
- d) Concerned Circle Officers, local police station and Forest department to organize meeting with local Mukhiya / Panchayat representatives / villagers for providing information w.r.t. illegal sand mining activity and movement of elephants.
- e) The District Mining Task Force, Garhwa to increase the frequency of random raids to curb the possibility of illegal sand mining.

3.2 Photographs: -



Photo – 1: Haul Road leading to Kanhar River.

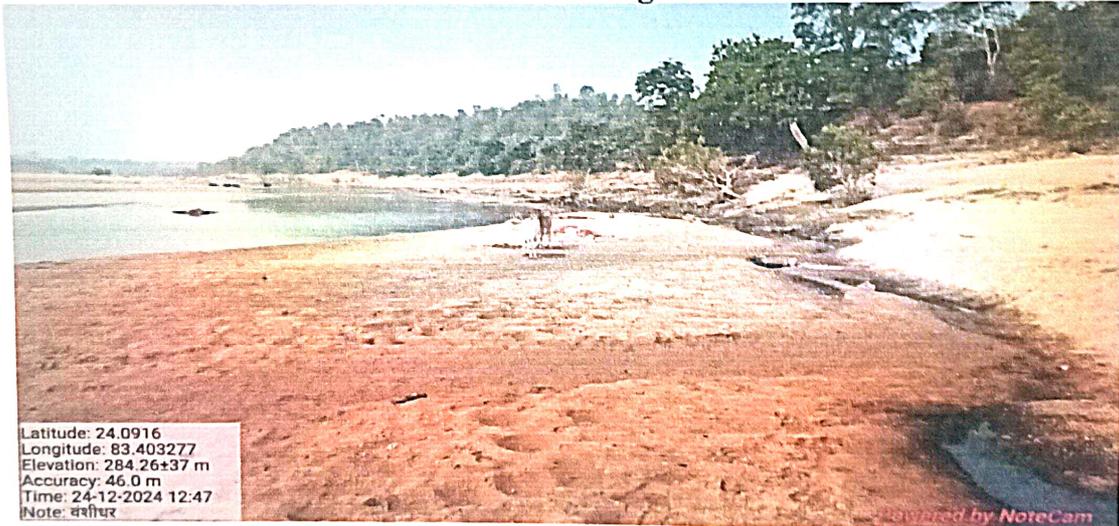


Photo – 2: Sand Deposit in Kanhar river.



Photo – 3: Excavated area of the Kanhar River.



Photo – 4: Fact Finding Committee at Site.

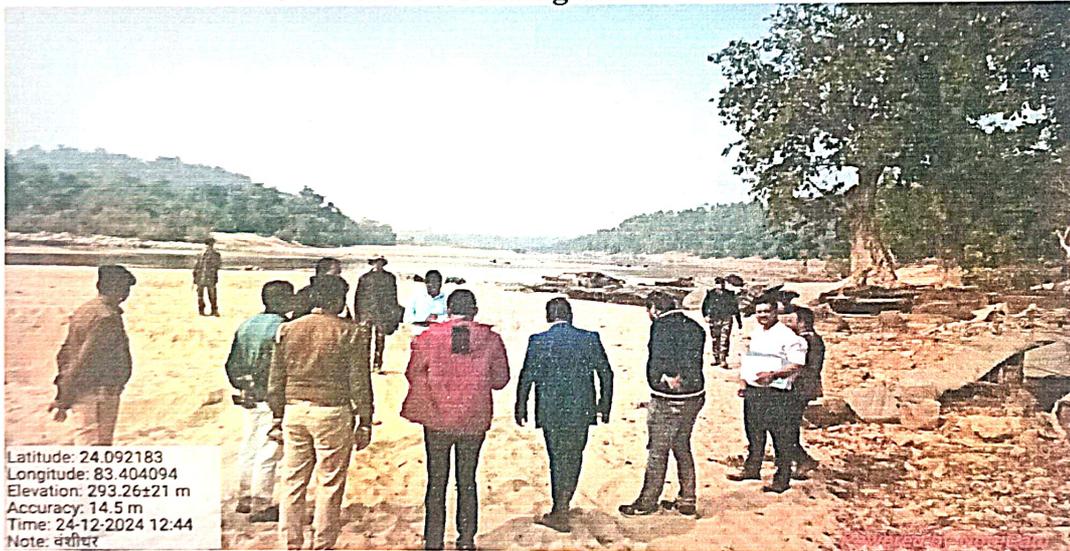


Photo – 5: View of the Kanhar River.



Photo – 6: Sand stocked near the haul road.



Photo – 7: Shamshan Ghat at the bank of the Kanhar River.

(Kumar Manibhushan)
Environmental Engineer – Cum –
Regional Officer,
JSPCB Regional Office, Ranchi.

(Sandeep Roy)
Scientist 'D',
CPCB Regional Directorate,
Kolkata.

(Kirti Avishek)
Member,
SEIAA, Jharkhand.

(Raj Maheshwaram)
Additional Collector,
Garhwa, Jharkhand.